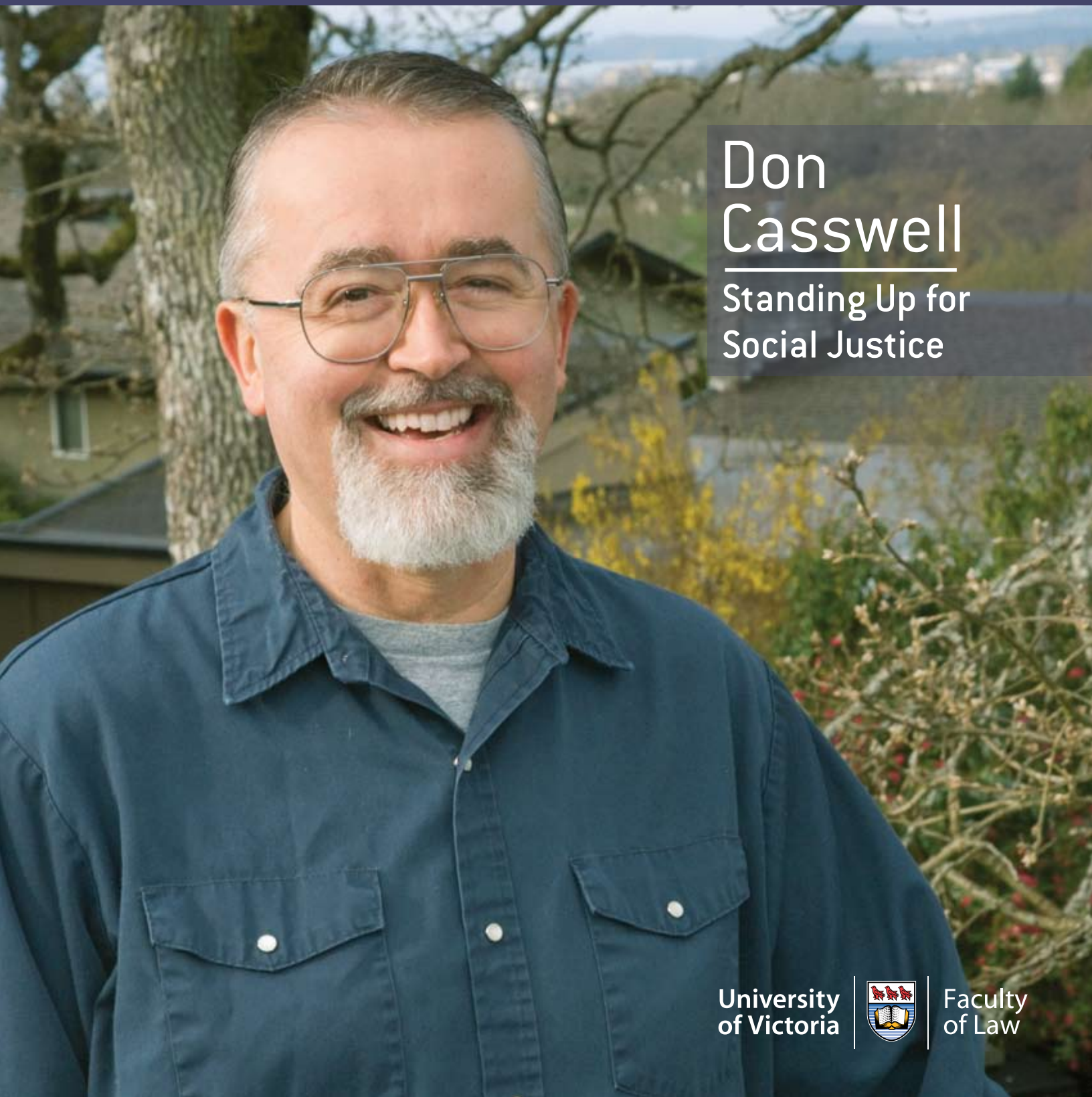


uvicLaw

News

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uvicLaw News

Law News is produced by the Faculty of Law, University of Victoria. The views expressed herein do not necessarily reflect those of the Faculty of Law or the University of Victoria.

Law News is made possible by the generous support of the Faculty of Law, Alumni and friends.

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From the Dean



Dear Friends:

This is the last issue of *Law News* that will be published while I am dean. UVic is fortunate to have recruited Professor Donna Greschner to take over the deanship when my term expires at the end of June. Donna comes to us from the University of La Verne in California. She may be better known to many of you, however, for her service as a law professor with the University of Saskatchewan from 1982 to 2004, and as Chief Commissioner of the Saskatchewan Human Rights Commission from 1992 to 1996. I know you will join with me in welcoming Donna to the UVic Law community and in wishing her every success in her exciting new role.

The past seven years have given rise to many changes at UVic Law. We have particularly been saddened by the departure of valued faculty and staff members. Faculty members who have retired include Sandra McCallum, Bill Nielsen, John McLaren and Don Casswell (whose contributions to the Faculty are honoured in this issue). John Kilcoyne will also be retiring this summer. At the same time, we have been fortunate to recruit talented new faculty and staff members who are dedicated to carrying on the UVic Law tradition of promoting academic excellence in a supportive learning environment.

Over the past seven years, we have overcome some challenges and taken advantage of many exciting new opportunities with respect to our program. In this period, we have:

- sustained the Law Centre and the Business Law Clinic (notwithstanding government funding cuts) and developed a full-service Environmental Law Clinic with in-house counsel and a provincewide network of associates
- established a Professorship in Aboriginal Justice and Governance, expanded Indigenous law programs, increased Indigenous enrolments and delivered a four-year LL.B. program to Inuit students in Nunavut
- created an interdisciplinary graduate program that is drawing LL.M. and Ph.D. candidates from across Canada and around the world to study issues of law and society under the supervision of UVic Law professors
- increased bursaries to ensure that students from all economic and social backgrounds have access to UVic Law, and secured funds for public interest work placements to enable non-profit community groups to employ law students
- undertaken extensive alterations to the Fraser Building, including provision of wireless connectivity, creation of graduate student spaces in the library, establishment of a co-op and career development suite, and major renovations and technological upgrades to Rooms 152, 157 and 158
- supported groundbreaking new programs, including summer programs in Intellectual Property Law, Indigenous Law,

Asian Law and International Law, plus an annual colloquium in political, social and legal theory and an annual law school community conference

Further changes are in the offing. Initiatives about to unfold include:

- creation of a National Chair in Aboriginal Economic Development in the Faculties of Business and Law
- a \$4-million redesign and “repurposing” of the Diana M. Priestly Law Library, including a new computer lab, classroom and learning commons
- a major renovation of Room 159 (the Faculty’s large lecture theatre), including technological upgrades and improved access for persons with disabilities
- development of a Bachelor of Indigenous Law degree, to be offered jointly with our LL.B. program every four years to a cohort of 24 students

These changes would not have been possible without the help of our alumni and many other friends and supporters. While there are far too many to list here, I wish to express my deep appreciation to all who so generously gave to the law school and our students during my tenure as dean. Thank you! UVic Law could not have succeeded as it has without you!

Part of the challenge of managing these many changes has been ensuring that, through it all, we do not lose sight of our purpose and the things that make our Faculty such a special place. From its inception, UVic Law has staked out a distinctive role for itself in Canadian legal education — one that is committed to fostering a collaborative learning environment and providing students with an understanding of law in its broadest social context. I am proud to say that, while the law school has changed in many ways, these commitments remain as central to our mission today as they did when the school opened its doors more than 30 years ago.

In this regard, I want to express my heartfelt thanks to the faculty, staff and students with whom I have had the privilege of serving these past seven years. Working with you has been an incredible experience! It is your dedication, creativity and energy that make UVic Law the great institution that it is, and one in which we can take such pride!

Ciao for now,

Andrew Petter

Andrew Petter
Dean of Law

From the External Relations Office

The law school has been a hive of activity over the past year. While many would admit it has been busy, few can tell you why. Some speculate that it has been a result of the many new endeavours that students and faculty have undertaken this year. Others say it is a result of the dynamic group of students who entered UVic Law “ready to change the world”. No doubt, whatever the reason, life at UVic Law is far from dull.

In reflecting back on this year, all aspects of the external relations office —fundraising, alumni relations, communications and our community outreach efforts — have experienced staggering growth and engagement. Perhaps the most significant changes to this office relate to our communications and fundraising efforts. In recognition of the need to provide better coverage of the many wonderful initiatives and endeavours undertaken at UVic Law, a full-time Communications Officer position was created and we welcomed Thomas Winterhoff to the team. He brings extensive experience in media relations, having come to us most recently from Black Press. He has been instrumental in assisting us in “getting the word out” about the Faculty and putting our publications back on schedule, including this one.



In December, we welcomed Krista Sheppard to the team as our full-time Development, Alumni and External Relations Co-ordinator. Her skills and talents have been invaluable during a particularly busy time. She was immersed in the arrangements and planning for the UVic Law Community Conference (which you can read more about in this issue) and the Homecoming celebrations and reunions taking place May 9-10, 2008. Working with both Krista and Thomas is a hugely rewarding experience on a daily basis, but perhaps more importantly, their contributions to the success of our external relations endeavours are astounding.

Our fundraising portfolio has been arguably the most active this past year, or as I fondly describe it: “operating on pure ethanol!”

The breadth and scope of our efforts have touched on all sectors: individual philanthropy, alumni giving, law firm sponsorship, corporate philanthropy, provincial grants, federal funding and most notably the Law Foundation of B.C. Each gift has helped us provide additional opportunities for donors, students and alumni to interact with the Faculty and experience first-hand the dynamic people, programs and initiatives that make UVic Law so well-regarded!

In reflecting back on this year, all aspects of the external relations office — fundraising, alumni relations, communications and our community outreach efforts — have experienced staggering growth and engagement.

Lastly, this issue marks the end of Andrew Petter’s term as Dean. He completes his tenure having made a resounding impact on UVic Law in the external relations portfolio. Andrew has surpassed all my decadal fundraising expectations. He has successfully secured million-dollar gifts for this Faculty in a very short period of time and concludes his tenure with what I believe is the highest fundraising total of any previous dean in the Faculty of Law. His accomplishments are detailed later in this issue, but he has — with the fully funded new National Chair in Aboriginal Economic Development, the largest externally funded facility renovations, the increased resources in our clinical programs and the highest growth in scholarships and bursaries for law students — set a formidable pace for this office and for our new Dean.

Best regards,

Anne Pappas

From the Law Alumni Association

Greetings from the UVic Law Alumni Association.

This issue of *Law News* features Professor Don Casswell and is a wonderful testament to the impact that Don has had on many UVic Law graduates. On behalf of all alumni, we wish Don the very best!

We have spent a great deal of time planning the upcoming Homecoming 2008 celebrations and reunions, being held in Victoria from May 9-10, 2008. I would especially like to thank Anne Fraser for her leadership and assistance. Anne’s passion for UVic Law is unsurpassed and we are honoured that she will be a part of celebrating the 30th UVic Law graduating class.

To the numerous volunteers and class leaders, we offer a very special note of thanks for all of your efforts in arranging class dinners and “getting the word out”. It is my sincere hope that many of you will be in Victoria for this event and that we will have an opportunity to visit and re-connect. The Homecoming weekend will also provide us with an opportunity to pay tribute to Professor John Kilcoyne (who will retire from the Faculty in June of this year) and to thank Andrew Petter as he completes his term as Dean of UVic Law.

Lastly, as many of you know, a new Dean has been named for UVic Law and she will begin her term on July 1, 2008. A cross-country tour is being planned to introduce alumni to our new Dean. Perhaps we may even be able to persuade Professor Kilcoyne to come along!

We’ll see you all in Victoria for Homecoming 2008!

Mark Underhill
Class of ’95



Mark Underhill ('95)



Freya Kristjanson ('89)



Steve Cloutier ('89)



Jason Roth ('99)



Lisa Chamzuk ('00)



Margaret Sasges ('89)



Don P. MacDonald ('80)



Andrew Petter ('91)



Anne Pappas

Professor

Don Casswell

Standing Up for Social Justice

By: Jennifer Champion

As a champion for social justice, an extraordinary teacher, a groundbreaking scholar and an admired colleague, Professor Don Casswell made an enormous contribution during the course of his career at UVic. In January 2007, after 27 years at the Faculty of Law, he retired.

Awarded both the Faculty's Master Teacher Award (twice) and the Service Award, Don Casswell was widely recognized as an exceptional teacher who cared a great deal about his students. Over the years, he taught advocacy, evidence, immigration and refugee law, legal mootings, lesbian and gay rights law, and torts. His students remember him as a kind and very funny professor.

Don's research on lesbian and gay rights law was considered groundbreaking. In fact, his book *Lesbians, Gay Men and Canadian Law* was Canada's first comprehensive scholarly text on sexual orientation and the law. Another of his books, *Fundamentals of Trial Techniques* (co-authored with Thomas A. Mauet and Gordon P. Macdonald) is considered indispensable, even for seasoned litigators.

As a colleague, Don was very supportive, especially to new faculty members. True to the open door ethos of UVic, Don was always willing to discuss ideas not only with students, but also with his fellow professors. To them, his insights were invaluable. He was a very hard worker who amazed his colleagues by his breathtakingly tidy office (known as the "office of zen") and by his ability to get through mountains of administrative tasks.

During his term as Associate Dean from 1990 to 1993, he was credited with creating a strong sense of well-being in the law school environment.

Don developed an exceptional rapport with administrative staff in the Faculty of Law. He was supportive, loyal, extremely well-organized and always very, very funny.

It seems that everyone will remember him for his integrity, hard work, wicked sense of humour and...clean desk. How could someone accomplish so much and yet make it all look so easy? Without question, Professor Casswell brought a remarkable intelligence and ability to all that he did at the Faculty of Law. But credit is also due to Don's partner, Patrick Tweedie, whose support allowed Don to devote so much time and energy to the law school.

The Faculty held a reception in Don's honour in February 2007 to celebrate his contribution to the Faculty of Law and the wider university community. In this issue of *Law News*, a number of Don's former colleagues and students pay tribute to him and his many contributions to the Faculty.



It seems that everyone will remember him for his integrity, hard work, wicked sense of humour and... clean desk.

MARY MOUAT

The Law School at the University of Victoria is unique in many ways. Its location, the age of the school, the size — all of these elements set it apart from others and foster a sense of community. But the real key to the “UVic Difference” was the decision of the founding Dean and faculty to pair excellence in scholarship with educational skill and leadership.

Don Casswell exemplified this marriage of scholarship and teaching. I had the great privilege to be a student of Don Casswell’s and while he may not want others to know that he is responsible for any skill, or lack thereof, I have in trial work, it is true.

Don’s well-prepared lectures always contained humour (who can forget Mr. Hees?). While some may have thought an eight-page exam question a tad excessive, it may have been the best preparation for practice I ever received in law school.

Don’s work in the field of lesbian, gay and transgendered legal issues was groundbreaking and his book, *Fundamentals of Trial Techniques* (Canadian Edition), remains on my desk to this day.

Many funny and true stories were told about Don and Pat at Don’s retirement reception. I, among a host of others, consider myself to be privileged to have been a student of Don Casswell’s. His insistence that we always consider an analysis of a dissenting Judge’s comment (“which may be obiter, but...”) is an excellent way to approach life, along with law. Cheers to you, Don.



ALLAN SECKEL

Don Casswell was my first law professor and he was the group leader for Legal Process in my first year of law school. We were all new law students; Don was a new law professor.

I believe Don had just left the practice of law and, based on his style in Legal Process, I suspect that he was economical in his use of court time while a litigator, because we seemed to race through the material and have plenty of time to bask in the sun of late summer in Victoria. Don then taught my section of first-year Torts and he was my Evidence professor in second year.

We managed to keep in touch after I left law school. The book he did with Gordon MacDonald on trial advocacy was a godsend to a new litigator. In the late 1980s, I had the privilege of teaching what would otherwise have been his Evidence section had he not been on sabbatical. I didn’t stray from his approach for even a minute! He was a great teacher and a courageous academic. As rich as it remains, the law school is the poorer for his retirement.

HAMAR FOSTER

I have fond memories of sharing Evidence problems with Don as both of us struggled as new professors to learn how to teach the subject. I also miss having him only a few doors away to inflict questions on before I committed ideas to print in academic journals.

When I was associate dean, Don (as a former associate dean) was always available for advice in moments of crisis.

Don was a fabulous colleague in every way: a master teacher, a fine scholar and a team player. He worked hard and I wish him what I know will be a creative and enjoyable retirement.

JANET PERSON

Don, you were a part of this law school for the entire time most of the current staff have worked here and a good portion of the time when the previously retired staff were here — one of the benefits of being around for a long time.

Over that time, you were always extremely supportive of staff, encouraging us in our current jobs, mentoring us for future jobs and helping some of us move on to other opportunities. You



always had a kind word, were interested in our private lives and shared anecdotes of your own adventures. For that, you deserve our thanks.

For me, the years I worked with you on the Admissions Committee, including the five years when you were chair, were a pleasure. You brought such wisdom and compassion to our deliberations, as well as a good measure of humour, often when we needed it most.

More than a few graduates of this school owe their chance to attend law school to your advocacy skills at convincing other committee members that they deserved to be admitted. You never neglected to point out to subsequent committees how well those students were faring!

Don, I miss your presence here at the law school and your sense of glee, accompanied by the giggles. On behalf of current and former staff, I wish you nothing but peace, joy and happiness during your retirement.

CHERYL CRANE

Don was a wonderful mentor and colleague. He remains a great friend! Don was the Associate Dean when I first joined the Faculty

and his guidance during my early (sometimes difficult) days of teaching — along with his caring and compassionate attitude towards students, staff and faculty alike — helped introduce me to the meaning of the “UVic Difference”.

Don’s inter-relationships with others were marked by professionalism of the highest order, old-fashioned politeness (Don is very well brought up!), great humour and much empathy. What I remember most fondly is his wonderful sense of humour and the very boisterous laughter we shared so many times, sometimes rueful, sometimes joyful, always rejuvenating!

Thanks, Don, for setting a wonderful example as Associate Dean, teacher, scholar and friend.

MAUREEN MALONEY

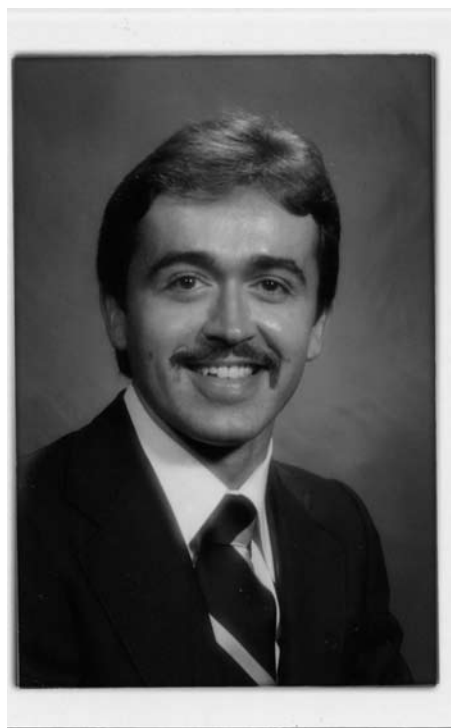
I had the good sense and intuition to appoint (i.e. BEG!) Don to be Associate Dean in 1990 and I could not have imagined how much that decision would change my life.

Don was one of the most efficient and compassionate administrators I have ever witnessed. He was a great sounding board and provided sage counsel (“Perhaps you shouldn’t do that...!”) and sound advice (“Perhaps a better way of doing that would be...!”)

However, in addition to his amazing administrative skills, Don's most extraordinary qualities lay in his humanity and his commitment to building a sense of community within the law school. This was most courageously expressed by his determination to provide a safe space and institutional support for gay and lesbian students (and not only by being the first faculty member at UVic Law to proudly admit that he was gay in a less supportive environment than exists today). Don provided that space and support to all in distress. He was, and remains, a passionately compassionate person.

On a personal note, I should add that Don was not only a great Associate Dean and colleague, but also a wonderful friend with a great sense of humour. Gales of laughter would often emanate from our rooms, to the bemusement of many outside. But if laughter is the best medicine, friendship is the cure.

UVic Law has lost one of its great teachers, scholars and colleagues. He is, and will continue to be, much missed.



BOB HOWELL

Don Casswell and I joined the Faculty of Law in the same year – 1980. Don arrived on schedule on July 2 (I'm sure he was not at his desk on July 1). The contingencies of immigration delayed my arrival until early August.

Don had arrived from legal practice with McCarthy & McCarthy in Toronto. We got along right away and over the ensuing 26 years until Don's retirement, and beyond, we have remained good friends despite both small and large "p" political differences from time to time. Perhaps the resilience of our friendship reflects the shared 1980-style "deep end" experience

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for new faculty – including six hours of solo flying each day for three weeks of the Legal Process course in the University Centre. Travel budgets of the time were, however, quite generous and enabled Don and I to travel together to Canadian Association of Law Teachers meetings at Learned Societies Conference events. I recall particularly the one in Ottawa, which commenced on a Monday. We arrived there the day after a rather robust weekend party with Don's friends in Toronto – say no more!

The Supreme Court had just decided the landmark decision of *Reibl v. Hughes* in which we were both interested for our torts classes, but Don more so, causing him to be nearly run out of a B.C. town by angry medical practitioners to whom he was speaking and did not readily appreciate the need for the then new delicate balance prescribed by the court for "informed consent". Medical malpractice was, however, good to Don. I recall the superb European locations that opened up to him in various summers during the 1980s as he engaged international audiences with "the Canadian position" on the various program items. I'm afraid neither *The Rule Against Perpetuities* nor the dimensions of *Legal Executory Interests* had quite had the same appeal.

Of course, it tells you just how thorough his scholarship was in the papers and articles he produced in this context. An initial invitation to participate in an international annual conference might reflect a stroke of luck, but return invitations do not. They kept coming... year after year. His later major works confirmed his considerable abilities in legal analysis and discourse.

The Canadian edition of *Fundamentals of Trial Techniques* (with Gordon Macdonald) of Thomas Mauet's leading U.S. advocacy text quickly became the benchmark in Canada. But it was overshadowed by the substantial treatise that Don produced in 1996. *Lesbians, Gay Men, and Canadian Law* comprised 675 pages and traversed multiple areas of law in the multiple dimensions presented in that work. It is an absolutely outstanding work, still unchallenged as the leading Canadian work in the area.

Don is incredibly tidy and methodical. He even created and maintained his own filing system. He works with just one file on his desk at any one time... strange, of course. Yet it worked well for me and (with acknowledgment to Monty Python) for my "and now for something completely different" routine. For many years, I did not need to keep a diary of faculty events. A call to Don gave me the time, room and subject matter and a copy for me of my lost (misplaced!) notices.

However, his passion for "fresh air" is another story. Whatever the weather, Don's window would be open. When making a winter visit to his office, I needed to remember to take my coat. On one occasion, when attending a conference at UBC, we shared a suite in an English Bay hotel (travel budgets were not so great as to provide two suites). It was an older building, with windows that opened very wide so that wind, rain, hail, snow, tornados and hurricanes could be readily welcomed into the room.

I awoke on the morning of the first day to a swirling current of air. Staggering from my bed to deal with this civil emergency, I observed Don standing directly in front of the open window as if

Don developed an exceptional rapport with administrative staff in the Faculty of Law. He was supportive, loyal, extremely well-organized and always very, very funny.

the turbulence in the room were not sufficient for his needs! His cheery "Good Morning" did nothing for me. Now my revenge was (and is) taken on each occasion Don is in my office or my home. Just 15 minutes of my tightly closed windows are enough to leave Don gasping, "Please Bob, open a window... I need air!" Of course, I am generous to him and open a window an inch or two.

Don has immense personal honesty and integrity. We have never hesitated to challenge each other upon matters of which we may disagree and we had some great arguments over the years. Yet neither of us has allowed a political difference to affect our personal relationship. Each of us has known, without concern, that a comment made in the course of political exchange would be seen by the other as simply that. Each of us has known that matters disclosed in other situations would never be used for immediate political gain. The line of integrity has always been there.

Don's retirement surprised me. He is a year younger than me! He told me early on and I did not seek to dissuade him, though I utterly regretted his decision. I knew he was doing what he wanted to do. Likewise, he did not ask me why I was not considering retirement. We know each other too well for me to question or for him to ask.

I wish Don and his partner, Pat, many years of fun in the sun in Victoria, Hawaii (their favorite haunt) or wherever life takes them.

GWEN BRODSKY

I was amazed to hear that Don had retired from teaching at the UVic law school. Could this be true? Had time passed so quickly? When I received the email message from the law school, I was in London as a presenter at a human rights conference on gender, sexuality and activism at Westminster University. I enjoyed thinking about Don being in London working on his book *Lesbians, Gay Men and Canadian Law*, and of all of the ways he has contributed to making the world a better, more human rights respecting place. In 1993, Don Casswell and I, with others, were founding co-chairs of the

Lesbian and Gay Subsection of the Canadian Bar Association, British Columbia Branch.

But I was genuinely struck by the thought that Don Casswell's retirement seemed to come way too soon. It seems like just yesterday that I, as a law student, knew him as a new teacher. What a wonderful thing it was to realize that we had a gay teacher on the faculty, though a woman classmate (heterosexual) did privately confess to some disappointment that he was not likely available for a date. There was a group of us who were on the organizing committee for the National Association of Women and the Law Conference, which was held in Victoria in about 1981. One evening, we were sitting around a kitchen table working, planning and sharing news. One of the key news items was, "Did you know he's gay? He told me he's gay." I remember registering deep inside, "OK, so it's possible to be out as gay and to have a professional life; maybe I could be lesbian and have a professional life."

At that time, there were very few, if any, out gay or lesbian law teachers in Canada. Eventually, though not right away, it became possible for me to be comfortable with myself as a lesbian and not to hide, and to become an advocate for gay and lesbian equality rights. Don helped me get to that place. He was very brave and he kept on being brave, and generous in allowing the truth of his life to be made public.

Don made a big difference to the climate of legal education and practice by being a strong advocate for gay rights, through his writing and just by being himself as a visible, gay male law teacher. He has been very supportive to me personally and I want to thank him for the difference he has made in my life and in the lives of other lesbians and gay men living and working in the world of law.

Tell me, and I will forget. Show me, and I may remember. Involve me, and I will understand.
 – Confucius (551-479 BC)

Bringing the Law to Life

Experiential Learning at UVic Law

By: Jennifer Champion

The explanation that Chinese philosopher and teacher Confucius gave for how he learned new concepts (above) concisely describes what professional educators today refer to as “experiential learning”. It’s a method by which teachers involve students through direct participation and then ask them to reflect on their experiences “in order to increase knowledge, develop skills and clarify values”.

Rather than just hearing or reading about the experiences of others, students make discoveries for themselves. This is the same method that Glenn Gallins employs at the Law Centre and that April Katz applied to the establishment of the Faculty of Law’s Co-op Program, which is now overseen by Francine Proctor.

Experiential learning is a highly effective teaching method, but there are several reasons why it is useful to reflect on what is so special about this form of learning at UVic Law. Firstly, regardless of what our career paths may be, we all recognize the importance of continuous learning. To the extent that such learning occurs through experience, it is worthwhile being more aware of how and what we learn. Secondly, UVic Law’s clinical programs have evolved and expanded significantly over the years. Alumni will find it interesting to discover how the curriculum has changed. Finally, the value of experiential learning, particularly in the field of law, is receiving increased recognition. A recent Carnegie Foundation report on educating lawyers points out that most law schools in North America fail to provide sufficient training in professional practice. According to the report, “students need a dynamic curriculum that moves them back and forth between understanding and enactment, experience and analysis.” The authors emphasize the importance of bridging the gap “between analytical and practical knowledge” so that students are better prepared for professional practice.

At a time when the Carnegie Foundation is challenging law schools throughout North America to adopt a more integrated approach to legal education, UVic Law’s unique strengths in experiential learning — and the benefits it provides to students and the legal community — can provide a model for others to follow. It is remarkable that such a small law school can offer such a wide range of experiential learning programs, providing all students the opportunity to engage in such important learning.

THREE CLINICS GOING STRONG

UVic Law’s longest-standing experiential education program is the Law Centre. Glenn Gallins Q.C., who has been the director

of the Law Centre for over 20 years, has a deep understanding of the benefits of experiential learning. He understands that the Law Centre is an eye-opening experience for many students.

“They become aware of the huge number of people with mental and physical illnesses, as well as people with addictions—people who don’t normally cross a law student’s path.”

Another important benefit is the insight that students gain into the way that law is practised. As examples, Gallins cites criminal law and human rights law, where legal practice frequently contrasts starkly with legal theory.

The practical skills that students develop during their time at the Law Centre are enormously beneficial, including conducting intake interviews, legal writing and trial advocacy. Gallins emphasizes that “this is a law practice that tries to achieve the gold standard. Students make up in preparation what they lack in experience.” That means that the average preparation time for a trial is 40 hours. Law Centre students interview all witnesses, visit the scene of the crime, do the necessary legal research, and then examine and cross-examine each witness at least once.

Moreover, students are introduced to what Gallins calls “holistic lawyering”, where they attempt to address non-legal problems that are often the underlying sources of a legal issue — such as mental health problems, alcoholism, family violence or poverty. The students can make their clients aware of available non-legal resources to help them get their lives back on track. All of this activity occurs within a highly supportive learning environment where students are given plenty of feedback and a great deal of learning takes place.

Gallins believes that the Law Centre gives students valuable perspectives on the law that they can carry with them throughout their legal careers. He hopes they will not forget that there are many disadvantaged people in the world who need the assistance of people with the power and the ability to make a difference, such as lawyers. He also hopes that they will retain a sense of the value of cooperating and supporting each other in a collaborative work environment.

When Paul Pearson began his term at the Law Centre, he was planning to pursue a career in securities law. But his clinical education experience was transformative. He loved being in court, thrived on the dynamic pace of trial advocacy, and found the work both varied and interesting. In fact, he realized that this was what he was cut out to do. The Law Centre gave him the opportunity to “test drive” litigation practice before committing to it as a career. Unlike a typical articling experience, there were no financial pressures or billable hours to worry about. Perhaps most importantly, Gallins’ steadfast and patient support for students provided the sort of calm and thorough guidance and feedback that is very rarely available to articling students.

Pearson remembers appearing in court on behalf of people whose friends and family were not there.

“There is an extreme sense of satisfaction in being a person’s only support in the world,” he says. Just as Glenn hoped, Pearson realized that he had the ability to really help people. He went on to become a criminal lawyer.

“During my first few years of practice, there wasn’t a day that went by when I didn’t use the skills that I learned at the Law Centre,” he says, adding that the Law Centre was a refreshing change from the classroom. “Learning was so intense and enjoyable.”

Pearson thinks that Law Centre students become attuned to the human experiences that give rise to disputes before the courts. Clinical experience brings alive the sense that there really are at least two sides to every case.

Chris Siver, a Law Centre student during the spring of 2007, agrees that a lot of the law that seemed “flat on paper” really came alive during his clinical experience. After studying for so many years with the abstract goal of becoming a lawyer, he appreciated the opportunity to test whether he had an aptitude for this kind of work.

Siver also values the opportunity to think holistically about his clients’ problems. For example, he recently helped a woman addicted to illicit drugs who was faced with a fine. During her sentencing, Chris helped her get access to a detox and rehabilitation program. It was very gratifying to be able to offer his client hope in what was a very bleak situation.

UVic Law Dean and former Law Centre student Andrew Petter believes that the Law Centre is also a good place for students to evaluate the strengths and weaknesses of the legal system. Before beginning his own term at the Law Centre, Petter spent his summer working with the Victoria Police Department. Both experiences exposed him to a variety of social problems, particularly those associated with youth. The contrast between the two placements gave him a unique perspective of the legal system, allowing him to recognize how important it is to connect with young people in trouble before they became too deeply enmeshed in the court system. If the underlying causes of their social problems could be addressed, Petter saw, there was a much greater capacity to support them in becoming and staying a productive member of society.

“My experience at the Law Centre reinforced the importance of social policy,” says Petter. “It shaped my belief that directing energy and resources to young people early on, before they become locked into a pattern of criminal behaviour, was likely to produce a better outcome for them and for society.”

Looking back on his career in the provincial government, Dean Petter credits his experience at the Law Centre with making a number of political issues more personal and real for him.

“When addressing long-term social policies, in which the return on investment was not likely to be immediate, I was more confident of their value because of the people I had encountered who were going to jail largely as a result of their limited opportunities in life.”

The school lunch program, youth anti-violence initiatives and free adult basic education are just some examples of programs that Petter had a hand in creating. He hopes they made a difference for people who might otherwise have landed on the doorstep of the Law Centre.

The Law Centre exemplifies many of the benefits of experiential learning. Perhaps the most striking one is the assistance it provides to thousands of people who would otherwise not be able to afford a lawyer. In providing this service, students develop important legal skills. They also learn about the law in a way that is very different from traditional learning, so when they return to the classroom they have a contextual understanding that usually makes classroom learning more meaningful for them. Finally, the Law Centre gives students a chance to evaluate the law in practice and the practice of law within a supportive environment, enabling them to better understand how the law actually functions and what roles may suit them best in their future legal careers.

UVic Law’s two other clinics demonstrate additional ways in

which experiential learning can enhance student education and the larger community. Mary Mullens is the director of the Business Law Clinic (BLC), which is a unique blend of a law course and a legal information clinic for entrepreneurs, volunteer organizations and owners of small businesses. Mullens notes that the BLC gives upper-year law students practical skills training with a focus on career management and client development.

It allows them to apply the law they have learned in courses such as Contracts, Property, Business Associations, and Commercial and Consumer Law to real client situations. Each week, the students meet in the classroom to discuss business law topics. They then go out and interview clients who have contacted the BLC for help with a legal question. Working in teams of two or three, the students manage clients’ expectations in terms of when and how they will respond to their questions. They then research the legal issues involved and write up a memo, which Mullens reviews and then offers extensive comments on that particular situation. Each student is paired with a mentor from the local business law bar. The memo is sent out to the mentor for her or

- We remember**
- 20% of what we read
 - 30% of what we hear
 - 40% of what we see
 - 50% of what we say
 - 60% of what we do and
 - 90% of what we read, hear, see, say and do
- Flanagan, 1997*

his feedback, revised further and finally sent to the client (who is also given an opportunity to provide feedback).

The Vancouver firm of Bull, Housser & Tupper, which helps finance the BLC, hosts the students for a day at its offices. The students receive a series of substantive lectures on business law topics, which are followed up by guest lectures in Victoria later in the term. The experience allows students to learn in detail about the processes involved in various transactions (such as a share or asset purchase) and the negotiation of some form of agreement.

According to Mullens, this form of clinical experience provides students with considerable insight into the practice of business law. Students are able to see how clients are engaged at various stages of the process and they learn about the benefits and challenges of working in teams. They experience first-hand the different roles that lawyers play, by writing letters advocating a position, presenting a range of options to a client or simply describing how the law works. As well, they learn how to obtain good information from their clients.

The class also spends a lot of time discussing work flow management. Perhaps the most critical skills that students develop, however, are asking for feedback from clients and other lawyers, and understanding the importance of continuous professional growth.

“I emphasize that the students will develop as lawyers only if they can expect and facilitate ongoing career development,” says Mullens.

Students who have taken the BLC will, during their articles, have a better sense of the logic involved in each step of a transaction and the significance their own contributions.

“The experience can really bring the law to life,” says Mullens, “and enable students to see the big picture.”

Like Gallins at the Law Centre, Mullens challenges students to think seriously about what they are most interested in, what kind of work they want to take on, and how they might build a sustainable practice from that type of work. Through their relationships with mentors, students also have opportunities to ask questions and learn about the nature of business law practice.

The BLC also provides benefits to the community, allowing members of the public to learn about dealing with lawyers in a non-threatening and inexpensive way. BLC clients not only receive useful legal information, but also gain insight into how lawyers think and how they can help solve business-related problems. That experience may encourage them to seek legal advice from a practicing lawyer. Mullens believes that the BLC experience helps to “humanize” lawyers and demonstrates that law schools are actively engaged with the wider community, which benefits the legal profession as a whole.

The Environmental Law Centre (ELC) clinic is another of UVic Law’s clinical education programs. The ELC Clinic enables students to examine the theory and engage in the practice of public interest environmental law — within a supervised setting. Students provide legal information and assistance to environmental NGOs, community groups and First Nations. In doing so, they develop a variety of skills related to research, advocacy, client counseling, case development and case management. With a typical enrolment

of eight to 10 students per semester, about one quarter of all UVic Law students take the ELC Clinic course.

Since it was established in 1997, the ELC Clinic has provided *pro bono* legal services and support to a wide range of clients, developed law reform proposals, and published citizen handbooks and legal education materials. A good recent example of the type of activities undertaken by the Clinic involves B.C.’s Freedom of Information (FOI) legislation.

In 2005, the ELC Clinic was successful in getting B.C.’s Information and Privacy Commission to order the provincial government to drop its demand that the Shawnigan Lake Watershed Watch Association pay fees to obtain public documents related to the sale of Crown lands for development around Shawnigan Lake. The association was concerned that the development could threaten drinking water quality. In a decision that attracted



national media attention, the Commission ruled that the 8,500 residents who drink water from the lake are a sufficiently large group to constitute the “public” for the purposes of a “public interest” fee waiver.

The ELC Clinic has also asked the Information and Privacy Commissioner to investigate the general treatment of environmental groups that seek public information from the provincial government. Many of them have faced demands for significant fees. This broader complaint, made on behalf of eight environmental groups, is likely to lead to systemic reform of the way that FOI requests are handled. ELC Clinic Director Calvin Sandborn notes that “this is a huge issue for environmental groups, one of whose biggest complaints about government is the handling of FOI requests.”

In addition to FOI litigation and law reform, the ELC Clinic has provided useful FOI information to community groups. A *Citizen’s Guide to FOI* is a layperson’s handbook to B.C.’s Freedom of Information and Protection of Privacy Act. Produced by the ELC, it offers citizens practical advice on how to obtain documents and other information from provincial and local governments, educational institutions and professional bodies.

All of the FOI activities helped community groups advance their causes, while also enabling students to develop important legal skills. Such skill development opportunities are common features of the ELC Clinic experience. While working with the Clinic, Jeanette Ettel appeared before the Forest Appeals Commission (FAC) and made arguments on behalf of the Sierra Club of Canada. She refers to this experience as “the highlight” of her legal education.

“It gave me a glimpse of what using the law as a tool in defence of social and environmental issues – which is what I thought I came to law school to do – looks like in practice. In the day-to-day of law school, it’s easy to lose sight of the bigger picture and forget about the bigger ideals. Against that backdrop, my experience before the FAC was both reaffirming and inspiring about the possibilities that a legal career holds.”



THE LAW CO-OP PROGRAM

April Katz is an expert on experiential learning, having directed UVic Law’s Co-op program since its inception in 1990 until her recent retirement. Co-op allows students to shift several times between traditional classroom education and practical learning environments. Those experiential learning terms can make a big difference when a student returns to the classroom.

UVic Law was the first common law school in Canada to offer a full Co-op program. In Katz’s view, it affects the culture of the school in very positive ways. Firstly, Co-op placements open up new avenues of discussion not just for co-op students, but also for other students who hear about their experiences.

During their placements, Co-op students learn “that you can teach yourself just about anything.” Thus classroom learning becomes an opportunity for students to reflect on the law.

“It’s a chance not simply to find and apply the law, but to think critically about what the law should be.”

Finally, Co-op students develop an important context in which they can place what they learn in the classroom and what they gain from their readings. As Katz notes, the different mode of learning

facilitated by Co-op plays a significant role in each participating student’s education.

“Studies show that if you apply what you’ve studied, you’re likely to retain it forever,” she says.

Like UVic Law’s clinics, Co-op allows students to test their perceptions about practice in a particular area of law. That can improve their awareness about what is important to them in their work and thus help them make educated decisions about their future career paths. Among the many skills that students hone during their Co-op experiences, Katz cites legal analytical skills, research, writing, drafting, client communications, diplomacy, multi-tasking, preparing cases for trial, seeking clear instructions and gaining the trust of clients. There’s also something she calls “institutional reading skills”, which is the technique of finding out which people in an organization have the capacity to make things happen.

The Co-op program has been enhanced recently thanks to Law Foundation of B.C. funding, which has enabled students to take Co-op placements with non-profit public interest groups. In this way, the Co-op program allows students to assist community groups that are most in need of help. Over the past year, students have been placed with the Together Against Poverty Society, the Action Committee for People with Disabilities and the West Coast Domestic Workers Association. None of these non-profit organizations would normally have the resources to hire a Co-op student.

JUDGE SHADOWING

During his judicial visitorship in 2006-07, Justice J.J. Oliphant, Associate Chief Justice of the Court of Queen’s Bench of Manitoba, helped launch a new experiential learning initiative at UVic Law. The judge shadowing program allowed 20 upper-year students to spend a day with a judge. About one week in advance, the students were given copies of the documents that the judge would require for that day.

Early in the morning, the students met with their assigned judges in groups of four or five. Before heading into court, they had a short discussion about the cases that were about to be heard. Following the court proceedings, Crown and defence counsel were encouraged to stay behind to speak with the students. The judges would also discuss the cases with the students, sometimes asking the students, just for fun, what they thought the outcomes should have been.

Justice Oliphant notes that the judge shadowing program allows students to see first-hand what good lawyers do and how they act in the courtroom. In particular, he says, it really brings home to students the role that lawyers play in court and the importance of thorough preparation.

LEGAL MOOTING

The American Bar Association’s Client Counseling Competition offers students a valuable opportunity to prepare for and participate in a series of client intake interviews. Although the “clients” are actors, the experience is a very good simulation of a real first

meeting with a client.

This year, Sarah Sharp and Sonia Kainth finished third overall at the North American finals in New York and represented Canada at the International Client Counseling Competition (ICCC) in India in early April.

The UVic Law team of Brigeeta Richdale and Nicole Smith experienced similar success in 2007, finishing first in the North American finals in Texas and advancing to the international competition in Sydney, Australia. As Richdale notes, students gain many important benefits from their mootting experiences.

“Participating gave me the opportunity to apply the legal principles that I had been reading about and discussing in my first-year courses to interesting and challenging real-life fact situations,” she says. “It also introduced the human element of emotions and diversity, which add challenging layers to the client interviews. By conducting client interviews and receiving feedback from my teammate, our coaches and the judges, I was able to experience a much deeper and intense form of learning that I would have otherwise.”

Richdale also developed important skills that are required for intake interviews, such as identifying what clients really want and reassuring them that a lawyer can shoulder at least part of the client’s problem.

“It is challenging to ask someone to have faith in the legal system when the law has taken away their dignity and sense of self-worth,” she says, adding that she was also inspired by her experience. “This really reminded me of one of the reasons why our society has lawyers – we can help people who are facing challenging situations in their lives and provide assistance by demystifying the complexities of our legal system and providing clients the opportunity to make their own informed choices.”

STUDENT INITIATIVES

Another place that you can find evidence of experiential education at UVic Law is the student lounge, because it is here that you will encounter some of the law school’s most motivated and generous experiential learners. Pro Bono Students Canada (PBSC) is a national student movement dedicated to improving access to justice by building partnerships among law students, community organizations and practising lawyers. PBSC provides opportunities for law students to use their newly acquired legal skills in the service of the public good and it also serves to instill a *pro bono* ethic that will guide students in their future careers.

Founded in 2004, the UVic chapter of PBSC is currently partnered with 18 community organizations, including the Inter-Cultural Association, The Land Conservancy, the Native Courtworker and Counselling Association of B.C., the Canadian Peacekeeping Veterans Association, the Together Against Poverty Society and the Victoria Women’s Transition House. In 2007, over 100 students (with the assistance of 16 volunteer lawyers) worked on a variety of educational, research and service initiatives, including the development of plain language legal pamphlets, support for legal aid duty counsel in the Victoria courthouse, and assistance to family lawyers at a free legal clinic for women.

The impact of engaging in these kinds of volunteer activities was

outlined by law student Jess Asch: “PBSC has been a grounding and positive experience. Connecting with advocates outside the law school has continuously reminded me of the power of my legal education and how I can use it to better my community. What I take away the most from my experiences, however, is how the projects have tested my ability to balance both my school and *pro bono* work. Although this hasn’t always been an easy task, I believe it has better prepared me for the challenge of doing *pro bono* work in the ‘real world’! In short, working for PBSC has demonstrated to me not just how important *pro bono* work is to the community, but how critical it is that I include it in my everyday practice as a lawyer.”

Joana Thackeray also gained a great deal from her *pro bono* experience. Last year, she worked on the Port Alberni Women’s Resource Society (PAWS) project, through which UVic Law students helped PAWS organize a family law clinic. PAWS clients



participated in half-hour sessions with volunteer lawyers who provided free legal advice. In order to ensure the women received the most benefit from their half-hour consultations, students phoned clients in advance to complete intake interviews and narrow down the facts and issues related to their situations. When possible, they also attended the clinics in Port Alberni, sat in with clients and provided assistance when it was needed. In Joana’s words:

“This was a really amazing project to be involved with. The clinic is an awesome example of a legal resource created by people with varying degrees of legal knowledge who share a common goal of making legal advice accessible. The project was also interesting and challenging because it brought out aspects of the practice of law that are very difficult to teach in law school. How do you talk about family breakdown to someone who has just experienced it? How do you talk about family violence? In the intake interviews, I really thought hard about what I said, how I said it, what I asked, what order I asked it in, and how the client was responding. These are difficult things to talk about and through this project, I was able to see practising family lawyers talking about these issues with clients in a respectful and helpful way.”

INNOVATIVE CLASSROOM TEACHING

Experiential learning and community engagement do not necessarily require students to leave the law school. Professor Rebecca Johnson brought the community into her classroom after she was asked to help two Second World War veterans who were seeking retroactive benefits as former prisoners of war (POWs). The two were pilots during the war when their planes were shot down and their crews were killed.

Johnson describes the two veterans as “serious heroes”. One had flown 44 missions when his plane was downed. The other evaded capture behind enemy lines for 90 days. Johnson agreed to assist as co-counsel and decided to use the case as an exercise in her Law, Legislation and Policy (LLP) class.

The case involved federal legislation that was enacted in 1976 and provided benefits to Canadian veterans who had been POWs.



The statute contained a clause allowing such veterans to apply for benefits retroactive to 1976. In 1988, this clause was modified as part of a federal statute consolidation. Federal officials interpreted the modified wording as no longer requiring them to pay benefits retroactively, but only from the date of application. The two veterans felt that interpretation was unjust and reflected a lack of respect for them and a lack of appreciation for their wartime ordeals.

Johnson gave her LLP students the decision handed down by the administrative board (denying retroactive benefits) along with all of the documents she was using for the appeal. She then asked them to write a memo. Following the hearing, she invited the two veterans to come and speak with the class.

When the appeal was denied and Johnson’s involvement continued through another appeal process, she presented the case to students the following year. This time, she asked them to draft a *factum* for the Supreme Court of Canada.

“The students did an incredible amount of work. What they produced was every bit as good as *facta* I had seen while clerking at the Court,” says Johnson. She thinks that the students became so engaged because it was a real case involving real people.

When all avenues of administrative appeal had been exhausted without success, a judicial review was launched on behalf of the veterans. Victoria lawyer Paul Pearlman agreed to take the case on a *pro bono* basis, and the students now had access to the administrative decisions and his *factum*. The result was a Federal Court decision in favour of retroactive benefits for the veterans.

The matter did not rest there. Despite it being the Year of the Veteran, the federal government instituted a further appeal. When Johnson wrote to the Minister of Veterans Affairs requesting that he abandon the appeal, her students mobilized and prepared a petition of their own. They collected many signatures, explained their involvement with the case and asked that justice be done. The Minister dropped the appeal.

Rebecca recalls how moved the veterans were by the students taking up their cause.

“The students’ commitment gave these men hope in their drive toward justice,” she says. “Sometimes the ways we help do more good than we know. The mere fact of standing in solidarity and acknowledging injustice meant a lot to the people involved in the case.”

Another important result of the experience was the understanding students gained of what it means to fight for justice, especially since the process required multiple interventions.

“We learned the importance of not becoming cynical in the face of roadblocks on the way to what we understood as justice.”

AN IDEA WHOSE TIME IS HERE

While other Canadian law schools struggle to make legal education more relevant and attempt to bridge the gap identified by the Carnegie Foundation, between analytical and practical knowledge, UVic Law is once again leading the way. By integrating experiential learning in its curriculum, the school enables students to explore the practice of law at the same time that they learn legal doctrine and theory.

The result is an educational experience that is more relevant and meaningful, without being any less rigorous or demanding. As a consequence, UVic Law students graduate with a broader knowledge of how the law works and its social impacts, as well as a deeper understanding of what will be expected of them as lawyers.

It is not only law students who benefit. The services provided by the law school’s three clinics, its Co-op program and other experiential learning initiatives contribute significantly to the well-being of individuals and groups within the larger community. Moreover, the value of community service that these programs instill in students typically stays with them beyond their law school years, inspiring and enabling them to continue making contributions in their subsequent careers.

In these ways and others, experiential learning is indeed bringing the law to life at UVic and forms an important part of what is affectionately referred to by students, faculty and alumni as “The UVic Law Difference”.

Confucius would be proud.

2008 Law Community Conference

A commitment to equity and diversity

Back in the spring of 2007, a group of students from the University of Victoria Faculty of Law began discussing the possibility of hosting a conference that would focus on the theme of “knowledge through diversity” and reiterate UVic Law’s long-standing commitment to that goal. In conjunction with the school’s Anti-Discrimination Committee and the Faculty Council, numerous student organizations contributed ideas and energy to help make the conference a reality.

The student-driven initiative took shape under the direction of student co-chairs Tina Parbhakar, Lulu Tinarwo and Lina Rahman, with the assistance of Professor Maneesha Deckha and a host of other students, staff and faculty members.

On March 4 of this year, the inaugural UVic Law Community Conference opened with a memorable address from His Honour, The Honourable Steven Point Lieutenant Governor of British Columbia. The province’s first Aboriginal Lieutenant Governor offered moving reflections on the discriminatory attitudes he encountered while growing up and set the tone for what proved to be an enlightening and informative conference.

“His Honour spoke so eloquently and personally of the historical and ongoing problems in the area of discrimination and about how we view each other as people,” said Deckha.

All classes on the day of the conference were cancelled so that members of the UVic Law community could participate in a full schedule of lectures, presentations and panel discussions.

“The school stands to benefit from an event where all the clubs, students and staff come together to gain knowledge in alternative formats on cutting-edge legal areas,” said Parbhakar. “It affords an opportunity to celebrate our successes as well as critically evaluate ourselves and our world, and come to a better understanding of our surroundings and our own goals as we engage aspects of the legal profession.”

The presentations dealt with a wide array of topics, including: immigration and discrimination; equity issues confronted

by migrant workers; discrimination against Indigenous women; gender rights; religion and the law; animal rights; and socio-economic inequality.

“This conference was designed to pool the resources of various student groups striving for equity in different contexts,” noted Tinarwo. “The experiences of marginalized members of the law faculty, and the legal community generally, were explored through this conference. The hope was to both speak out about the issues and challenges of striving for an equitable world and also to arm people with the tools to address challenges that arise.”

The fact that the conference was a student-led project, said Tinarwo, “speaks volumes” about the enterprising law students who were involved in organizing it, as well as UVic Law’s efforts to raise awareness of diversity issues.

“UVic Law, through its support, showed a commitment to

addressing equity within the Faculty and to fostering a sense of community,” she said.

Throughout the course of the day, attendees had many opportunities to mingle and talk about equity and diversity issues as they apply to the school and within the wider community. One of the primary goals of the conference was to generate an open and wide-ranging discussion about how those issues ultimately affect everyone in the legal profession, whether they are members of a “disadvantaged group” or not.

“A lot of progress and progressive thoughts come from law schools and inform the legal community at large, so it’s impor-



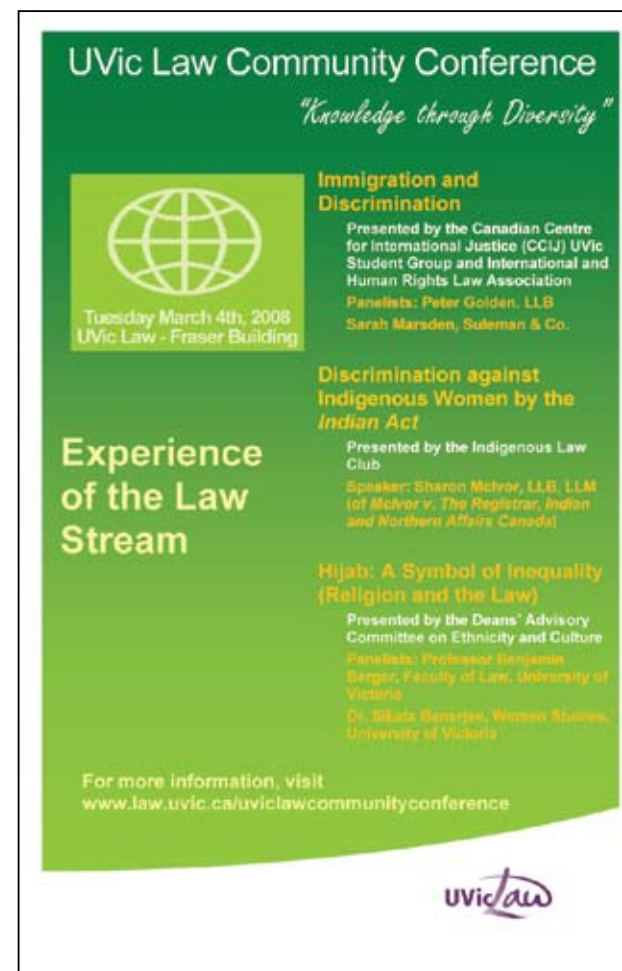
tant to have a conference like this for those reasons,” said UVic Law Students’ Society president Matt Schissel. “I think it’s very important to have the student organization, but it’s really nice to see the faculty, the administration and the students all come together to put on something like this.”

Rahman agreed, noting that the school’s willingness to work alongside students to create a successful conference ably illustrated “The UVic Law Difference”.

“The fact that this was student-led and was supported by the students also indicates that UVic Law students recognize the importance of equity and diversity issues within the legal profession,” Rahman added.

After the community conference wrapped up, organizers received a lot of positive feedback from those who attended, indicating that there is already strong support to hold a similar event in the future. The conference’s pro-active approach clearly resonated with many people within the UVic Law community.

“These issues permeate every institution in society, so it’s not just an issue for professor-student relations, student-student relations or faculty-administration relations,” said Deckha. “All of us, organizers as well as attendees, have things to learn in terms of what equity and diversity really mean.”



UVic Moot Teams Excel

By: Thomas Winterhoff

Thanks to the hard work of many talented students, the dedication of knowledgeable coaches and the generous support of the legal community, UVic Law is always well-represented at the many moots that are held throughout the academic year. The past year was no exception, as participants turned in strong performances in a series of regional, national and international events.

The in-school portion of the American Bar Association Negotiation Competition (supported by the law firm of Fraser Milner Casgrain LLP) was held October 25. A total of 40 UVic Law students took part, with Brigeeta Richdale and Nicole Smith advancing to the regional competition in Saskatchewan.

Second-year students Jen Smith and Zahra Jimale won the UBC-UW-UVic Environmental Negotiation Competition, held November 2 at the University of British Columbia. It was the first time that UVic Law had entered the UBC-hosted event, which offered students a challenging test of their negotiation and dispute resolution skills.

On February 9, the team of Faith Fraser, Chris Funt, Stephanie Mayor and Leah Plumridge won the coveted Begbie Trophy at the 2008 British Columbia Law Schools Competitive Moot, ending a six-year winning streak by host school UBC. The students, who were coached by Professor Andrew Newcombe, were tested on their ability to argue an appeal case before a panel of volunteer judges in a mock trial.

UVic Law students Sarah Sharp and Sonia Kainth were named Canadian champions after placing third overall at the North American finals of the American Bar Association Client Counselling Competition on March 9. In doing so, they earned a berth at the International Client Counselling Competition in India, which took place in April. The team was coached by Steve Perks, Andrew Pirie, Marli Rusen and Gillian Calder. The firm of Heenan Blaikie supported UVic Law's involvement throughout the 2008 ABA Client Counseling Competition.

Four UVic Law students participated in the Jessup International Moot in Saskatchewan from March 5-8. Diana Backhouse, Zahra Jimale, Jennifer Chan and Sabrina Yeudall competed against 14 other law schools as they addressed a problem related to international human rights and state responses to terrorist acts. The team was coached by Professor Ted McDorman and third-year LL.B candidate Michael Doris.

Toronto was the site of this year's Gale Cup Moot, held February 29 to March 1. Cory Armour, Jessica Derynck, Shannon Gibson and Nicholas Isaac all performed extremely well under

the tutelage of Professor Donald Galloway, but narrowly missed advancing to the final round.

The 2008 Kawaskimhon Moot was hosted by the University of Alberta from March 6-9, just outside of Edmonton. The event is non-competitive in nature and instead focuses on the students' ability to address a pressing legal issue and then present a negotiation proposal that builds on the relationships they form over the course of the three days. The UVic Law participants were Drew Lafond, Earl Stevenson and Tara Williamson, who were coached by Maxine Matilpi and Ph.D. candidate Kerry Sloan.

John Bradbury and Johnny Van Camp (along with team assistant Leah DeForrest) represented UVic Law at the McIntyre Cup moot February 8-9, competing against teams from five other Western Canadian law schools. Although they put in an excellent performance at UBC, they didn't advance to the subsequent Sopinka Cup moot in Ottawa. The team was coached by lawyers Nils Jensen, Nomita Achadinha and Paula Donnachie.

UVIC LAW TEAM WINS ENVIRONMENTAL NEGOTIATION COMPETITION

Two members of the University of Victoria's Environmental Law Club took top honours at the UBC-UW-UVic Environmental Negotiation Competition, held November 2 at the University of British Columbia.

Each two-member team was required to tackle a negotiation problem based on questions of environmental or international natural resource law. The 10-student UVic Law contingent fared extremely well in their inaugural appearance at the competition, with second-year students Jen Smith and Zahra Jimale prevailing in a challenging test of negotiation and dispute resolution skills.

Although the University of Washington and UBC have been represented at the event for several years, 2007 was the first year that UVic Law students participated. The UVic Law students who competed were Smith, Jimale, Marisa Cruickshank, Emma Lehrer, Michaelin Scott, Brian Eberdt, Sarah Jackson, Anna Johnston, Jen Lin and Sarah Sharp.

UVIC LAW STUDENTS WIN UBC-UVIC MOOT

A talented team of UVic Law students brought home the coveted Begbie Trophy, after winning the 2008 British Columbia Law Schools Competitive Moot on February 9. The victory snapped a six-year winning streak by the University of British Columbia.

The moot, which took place at the Law Courts in Vancouver, tested the students' ability to argue an appeal case before a panel of judges who volunteered to participate in the mock trial. The UVic Law team featured appellants Leah Plumridge and Chris Funt (who appeared before Huddart J.A., Koenigsberg J. and Hinkson J.) and respondents Faith Fraser and Stephanie Mayor (who appeared before Finch C.J.B.C., L. Smith J. and Dickson J.).

The winning team was coached by Professor Andrew Newcombe and received additional help from Law Librarian Neil Campbell, the staff of the Diana M. Priestly Law Library, and Faculty staff members Sandra Leland, Rosemary Garton and Doreen Provencher. The UVic team was also assisted greatly by Professor Elizabeth Adjin-Tettey, Professor Donald Galloway and Professor Freya Kodar.

Local lawyers Steve Fudge, Bruce Macallum, Peter Firestone, Pinder Cheema, Keith Phillips, Chris Considine, Geraldine Hutchings, Anthony Dalmyn and Rebecca Faber provided invaluable help as practice round judges.



UVIC LAW TEAM WENT TO INDIA AS CANADIAN CLIENT COUNSELLING CHAMPIONS

UVic Law students Sarah Sharp and Sonia Kainth earned a berth in the 2008 International Client Counselling Competition (ICCC) in Bangalore, India, where they represented Canada while competing against approximately 20 other teams from around the globe.



The pair emerged as the top Canadian contenders at the North American finals of the 2008 American Bar Association Client Counseling Competition, held March 8-9 in New York. Sharp and Kainth placed third overall amongst 12 teams from all over the continent. They were accompanied to New York by fellow UVic law student Brigeeta Richdale, who also competed at the regional level.

The teams were judged on their ability to interview and appropriately advise "clients" in simulated case situations that involved challenging legal questions. The North American contest focused on the topic of human rights, including issues such as: the impact on a rape victim when her rights were violated due to the abuse of police authority; same-sex education in schools and the impact of opting out; new housing bylaws and their effect on the lives of reformed sexual offenders; and racial profiling. All of those scenarios required competitors to draw on their legal knowledge and effectively utilize their problem-solving skills.

Sharp and Kainth didn't advance to the final in New York, but their excellent performance in all previous rounds won them the Canadian championship and a spot at the ICCC in India. The team was coached by Steve Perks, Andrew Pirie, Marli Rusen, and Gillian Calder. The firm of Heenan Blaikie has generously supported UVic Law's involvement in the American Bar Association Client Counseling Competition.

The Faculty of Law gratefully acknowledges the many dedicated volunteers who assist with these important events, including faculty, staff, students, alumni, members of the legal community and allied professionals.

Visiting Speakers and Academics Enrich the UVic Law Experience

By: Thomas Winterhoff

The University of Victoria Faculty of Law is fortunate to have so many talented and dedicated faculty members, all of whom are devoted to sharing their knowledge and scholarship with students and colleagues. The school's dynamic atmosphere also attracts a wide variety of guest lecturers and distinguished visitors from all over the world, who continue to enrich UVic Law's programs through their academic contributions and thoughtful presentations.

Over the past year, the Faculty has hosted dozens of speakers and scholars who have given generously of their time and expertise. They invariably enlighten the entire UVic Law community with their enthusiasm and valuable insights.

This spring, the Faculty was extremely pleased to welcome to the school **His Honour, the Honourable Steven Point Lieutenant Governor of British Columbia**. In making the opening address of the inaugural UVic Law Community Conference, which focused on equity and diversity issues, His Honour spoke eloquently of the need for people to treat each other with dignity, fairness and respect.

Richard Devlin presented the 2008 F. Murray Fraser Lecture, entitled *Fitness for Purpose: Compulsory Legal Ethics Education for Law Students and Practitioners*. Devlin is a Professor of Law and Associate Dean, Graduate Studies and Research, at Dalhousie



Law School in Halifax. He has written extensively on legal ethics, legal theory, judicial education and contract law.

Historian and author **Dr. Jean Barman** presented the 2007 Hugh Alan Maclean Lecture in Legal History. During her presentation, she examined the legal struggles of B.C.'s Métis community, which considers its heritage and culture to be distinct from First Nations, Inuit or non-Aboriginal people. Barman is a Professor Emerita at the University of British Columbia and is the author of numerous publications, including the widely acclaimed *West Beyond the West: A History of British Columbia*.

This past fall, the Faculty was a proud supporter of a traveling exhibition entitled *Lawyers Without Rights: The Fate of Jewish Lawyers in Germany After 1933*. **Dean Andrew Petter** and **Professor Maureen Maloney** joined the exhibition's organizers in a roundtable discussion that looked at prejudice, discrimination and what can happen to a society when the rule of law is undermined and the rights of all citizens are not upheld. UVic Law was pleased to welcome **Leo Adler** (Director of National Affairs for the Simon Wiesenthal Center for Holocaust Studies), **Eberhard Vetter** (a member of the German Lawyers Association), **Joel Levi** (the exhibit's founder and a leading figure in the Israel Bar Association), **Barbara Buchanan** (a lawyer and educator with the Law Society of B.C.) and **Frieda Miller** (Executive Director of the Vancouver Holocaust Education Centre).

Dr. Michael Byers visited UVic to make two presentations. The first was based on his book *Intent for a Nation: What is Canada For?*, which was described as "a relentlessly optimistic manifesto for Canada's role in the world." His second lecture was entitled *On Thinning Ice: Sovereignty, Security and Environmental Protection in a Changing Arctic*. Byers is a widely respected scholar and the academic director of the Liu Institute for Global Issues at the University of British Columbia. He also holds a Canada Research Chair in Global Politics and International Law at UBC. Byers' research deals with the interaction of international law and international politics, including the role of international organizations, the use of military force, the law of the sea, human rights and Canada-U.S. relations.

Last fall, the UVic chapter of Pro Bono Students Canada and the University of Victoria Association of Women and the Law arranged a visit by the woman known publicly only as "**Jane Doe**". In 1998, she won a landmark civil lawsuit against the Metropolitan Toronto Commissioners of Police, for failing to warn the public that a man known as "the balcony rapist" was attacking women in that city. The case was seen as an important victory for women's rights, since it opened up a debate on how police investigations and organizational procedures may be affected by sexist stereotypes.

The case of Omar Khadr, the young Canadian who has been held at the Guantanamo Bay detention centre in Cuba since he was 15 years old, continues to make headlines around the world.



Lieutenant Commander William C. Kuebler, a military counsel in the United States Navy's Judge Advocate General's Corps, visited UVic last fall to present a talk entitled *Guantanamo Bay Military Commissions and the Case of Omar Khadr*. Khadr was detained by U.S. forces in Afghanistan in 2002 after he was allegedly involved in a firefight with American troops. Kuebler, the Canadian Bar Association and Amnesty International Canada have all urged the Canadian government to put pressure on the United States government to release the young Canadian, citing a lack of due legal process.

UVic Law Dean Andrew Petter moderated a panel discussion on civil liberties and national security that featured **Maher Arar**, human rights law scholar **Dr. Monia Mazigh** and UBC President

Stephen Toope. Arar was returning home to Canada from a family vacation in 2002 when he was detained by U.S. authorities and then sent to Syria, where he was imprisoned and tortured. A public inquiry later cleared Arar of all terrorism allegations in the high-profile case.

The Law Centre welcomed B.C. **Attorney-General Wally Oppal** on April 8, as he toured the facility with Dean Andrew Petter and spoke with students and staff.



Shirin Ebadi was awarded the Nobel Peace Prize in 2003 in recognition of three decades of advocacy for democracy and human rights. The lawyer, judge, lecturer, writer and activist visited UVic as part of the President's Distinguished Lecture series and spoke about women's equality issues.

The Victoria Colloquium in Political, Social and Legal Theory hosted a number of fascinating speakers who shared their thoughts with UVic Law students and faculty members. They included **Gerry Mackie** of the University of California at San Diego (*On the Expressive Theory of Voting*), **Wojciech Sadurski** of the European University Institute and the University of Sydney Faculty of Law (*Political Equality and Majority Rule*), **Gavin Anderson** of the University of Glasgow School of Law (*Towards a New Constitutional Knowledge: Beyond the State, or Beyond Modernity?*), **Debra Satz** of Stanford University (*Voluntary Slavery and the Limits of the Market*), **Tariq Modood** of the University of Bristol (*Multiculturalism and Secularism*) and **Rainer Forst** of Johann Wolfgang Goethe University (*Two Pictures of Justice*).

Other scholars and speakers who visited UVic Law during the 2007-08 academic year included **Garth Nettheim**, **Gregoire Webber**, **John Williams**, **Mary Ellen Turpel-Lafond**, **Val Napoleon**, **Gillian Whitehouse**, **Ray Friel**, **Lorne Sossin**, **Marie-Joie Brady**, **Davi Robbins**, **Marianne Constable**, **Sharon Cowan**, **Jennifer Schweppe**, **Enakshi Dua** and **Janet Mosher**.

Law Faculty News



GILLIAN CALDER's most recent travels have taken her to Berkeley for the Law, Culture and the Humanities Conference, where she presented "Finally I Know Where I am Going to Be From: Culture, Context and Time in a Look Back at Racine v. Woods", a contribution to an upcoming collection honouring the late Justice Bertha Wilson. She also travelled to Kolkata, India, where she participated in an international Theatre of the Oppressed workshop — training that has contributed to her recent pedagogical work on using theatre in the classroom. Recent publications include two collaborative projects. The first is entitled "Postcards from the Edge (of Empire)" (2008) 17(1) *Social and Legal Studies* 5-38, and was completed with Elizabeth Adjin-Tettey, Angela Cameron, Maneesha Deckha, Rebecca Johnson, Hester Lessard, Maureen Maloney and Margot Young. The second is entitled "Counting Outsiders: A Critical Exploration of Outsider Course Enrolment in Canadian Legal Education" (2007) 45(4) *Osgoode Hall Law Journal*, and was completed with Natasha Bakht, Kim Brooks, Jennifer Koshan, Sonia Lawrence, Carissima Mathen and Debra Parkes. Gillian is looking forward to the summer after having received the BLG Fellowship to support her research project ("Challenges to Maternity and Parental Leave in Canada: Federalism and Equality") and plans to do some outdoor climbing after a long winter inside.



ANDREW PIRIE contributed a chapter entitled "Critiques of Settlement Advocacy" to a new text on negotiation (*The Theory and Practice of Representative Negotiation*), published in 2008 by Emond Montgomery. Lawyers interested in learning more about modern negotiation theories and practices will find the text rewarding and informative. Andrew has also writ-

ten a review of a new book by Professor Julie Macfarlane (*The New Lawyer: How Settlement Is Transforming the Practice of Law*) for the Spring 2008 issue of the *Osgoode Hall Law Journal*. In the autumn of 2007 and the spring of 2008, Andrew was the Faculty organizer for the regional portion of the American Bar Association Client Counselling Competition (CCC). The competition attracted 12 teams from law schools throughout Western Canada and the northwest United States. Over 50 lawyers and helping professionals acted as judges. The UVic Law team of Sonia Kainth and Sarah Sharp won the competition and then competed in the North American CCC championship in New York, as well as the International Client Counselling Competition (ICCC) in India. Andrew continues his work with Lawyers on Stage Theatre.

JUDY FUDGE gave a series of lectures and presentations in Australia on various aspects of labour law. She was conducting comparative labour law research there in January and February and was a Visiting Fellow at the University of Melbourne and the University of Sydney. In March 2008, she taught an intensive Work and the New Economy course in the Masters Program of the International Institute of the Sociology of Law in Onati, Spain. Following that, she presented a paper that she and Hester Lessard are working on (entitled "The Tale of a Woman Fire Fighter in the Forests of British Columbia: Challenging Legal Norms and Creating Legal Precedents") at Keele University and the University of Kent in the United Kingdom. In April and May 2008, Judy was a Visiting Scholar at the London School of Economics, where she continued her comparative labour law research. She has recently taken on the co-editorship of the Onati International Series on Law and Society (published by Hart Publishing Co. in the UK) and joined the editorial board of the Canadian Journal of Law and Society. Judy is also a co-ordinator of the "Citizenship at Work" theme of the SSHRC-funded Major Collaborative Research Initiative, entitled Building

Institutions and Capabilities for Work and Employment in a Global Era: The Social Dynamics of Labour Regulation.

HAMAR FOSTER was on study leave in 2006-2007 and resumed full-time teaching in the fall of 2007, shortly before UBC Press published *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights*, which he co-edited with colleagues Heather Raven and Jeremy Webber. With colleague Ben Berger and Andrew Buck of Australia's Macquarie University, he is currently co-editing *The Grand Experiment: Law and Legal Culture in British Settler Societies*, scheduled for publication by UBC Press in November 2008. Hamar also has essays in these two volumes (the one in the latter is co-authored by Ben Berger and deals with the Cowichan Petition of 1909) and he has written an entry for the *Dictionary of Canadian Biography on Gedanst*, or Amos Russ, who was probably the first Haida to convert to Christianity. Hamar recently completed a three-year term on the Law Society of British Columbia's Independence and Governance Subcommittee and in 2007-2008 addressed both B.C. Supreme Court judges and B.C. Provincial Court judges on topics in B.C. legal history. In April of 2007, he spoke at a plenary session in honour of Cole Harris, at the annual B.C. Studies Conference. In October, he presented a paper at the Symposium on the History of the Legal Profession, which was hosted by the Law Society of Upper Canada to mark the 175th anniversary of Osgoode Hall. Along with Wesley Pue of UBC and John McLaren, Hamar is co-editing a special issue of *BC Studies* designed to mark the 100th anniversary of the B.C. Court of Appeal in 2010. Recent committee responsibilities have included chairing the Humanitarian Awards Committee and the Visitors Committee, and sitting on the University Interdisciplinary Awards and Admissions



Committee. In March of 2008, Hamar gave the Dean's Lunchtime Lecture Series lecture entitled *Getting It Right: Politics, Media and the Law*. He continues to be a member of the Victoria City Rowing Club and has an old but trusty sailboat that he wishes he could use more.

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Professor of Asia-Pacific Law **ANDREW HARDING** directed UVic Law's highly successful Asian Law Summer Program in 2007, which included courses on Japan, China, Southeast Asia, and human rights in Asia. The program was attended by 20 students from UVic and elsewhere in Canada, as well as overseas institutions. For this program, we were joined by UVic Law grad Dan Puchniak (2001) from Kyushu University, Mark Sidel from the University of Iowa and Connie Carter from Royal Roads University. Students were also able to attend a major international workshop on *New Courts in the Asia-Pacific Region*, held at UVic in the middle of the program in July. The workshop, funded by the Social Sciences and Humanities Research Council and sponsored by the Faculty of Law in conjunction with the Centre for Asian-Pacific Initiatives and the University of Melbourne, was attended by 23 speakers from Canada, Australia, Asia, the USA and Europe. In addition to making presentations in North America, Australia, Asia and Europe — and related publications on constitutional reform in Thailand — Andrew also published two edited works: *Access to Environmental Justice: a Comparative Study* (Leiden, Martinus Nijhoff, 2007) and, with Professor H.P. Lee of Monash University, *Constitutional Landmarks in Malaysia: the First 50 Years, 1957-2007* (Kuala Lumpur, Malayan Law Journal/ LexisNexis, 2007). The latter book, which contains a foreword by HRH The Sultan of Perak, was launched by the Malaysian Minister for National Heritage, Arts and Culture, Datuk Seri Dr Rais Yatim, as part of Malaysia's 50th birthday celebrations in August 2007.



Professor **JOHN BORROWS** spent the past 12 months on leave at the University of Minnesota Law School and J. Rueben Clark Law School at Brigham Young University. He taught courses in International Human Rights Law, Federal Indian Law and Native American Tribal Courts. While in the United States, he gave lectures at many universities, including Princeton University, the University of Arizona, Dartmouth College, Hamline University and the University of Minnesota (Duluth). He also served as an Intensive Visitor at the University of Toronto Law School, where he taught a draft of his forthcoming book: *Canada's Indigenous Constitution*. John was also a co-curator of a national exhibition on Indian Treaties with the National Library and Archives in Ottawa, which won rave reviews. On the publication front, he had four law review articles/book chapters appear in print. The third edition of his national casebook, co-edited with Len Rotman and entitled *Aboriginal Legal Issues: Cases, Materials and Commentary*, was also published. John continued to serve on the steering committee of a \$2,500,000 multi-year project on Indigenous governance, supported by the Social Sciences and Humanities Research Council. The past year was capped by Professor Borrows being inducted as a Fellow into the Academies of Arts, Humanities and Sciences of Canada (the Royal Society of Canada - RSC), Canada's highest academic award.

BENJAMIN L. BERGER has been on study leave at Yale University, furthering his major research project on the constitutional rule of law and religious difference. An article entitled "Law's Religion", arising from this project, appeared in the fall of 2007 in the *Osgoode Hall Law Journal*. Another substantial part of this work is forthcoming in the *Canadian Journal of Law and Jurisprudence*. Arising from other aspects of his constitutional law scholarship, "White Fire: Structural Indeterminacy, Constitutional Design,

and the Constitution Behind the Text", will appear this spring in the *Journal of Comparative Law*. Now a contributing author to *McWilliams' Canadian Criminal Evidence*, Benjamin has continued his research and writing on the law of evidence and criminal law and theory, with a piece entitled "On the Book of Job, Justice and the Precariousness of the Criminal Law", which will appear this spring in *Law, Culture and the Humanities*. Along with his co-editors Hamar Foster and Andrew Buck (Macquarie University), Benjamin is looking forward to this fall's publication of a volume of essays on comparative and contextual colonial theory, entitled *The Grand Experiment: Law and Legal Culture in British Settler Societies* (UBC Press). In the last few months, he has presented papers at University College Dublin, the University of Limerick, the University of Galway, the conference of the Association for the Study of Law, Culture and the Humanities at the University of California (Berkeley), participated in a workshop at Columbia University, and presented at a legal theory workshop at McGill University. He was also thrilled to participate by video-link in the UVic Law Community Conference in March, and has been active as a faculty participant in the programs of the National Judicial Institute. Benjamin is very much looking forward to his return to UVic law this summer.



was published in the *Journal of Work Investment and Trade* and his book, *The Law and Practice of Investment Treaties*, will be published by Kluwer Law this fall. He is a member of a research team that was recently awarded a three-year Social Sciences and Humanities Research Council research grant and is examining the legal, economic and public policy implications of investment treaties. In March, Andrew was appointed a member of the NAFTA Advisory Committee on Private Commercial Disputes by the Canadian government. Within the

ANDREW NEWCOMBE has been continuing his research in the area of investment treaty law and arbitration. His article "Sustainable Development and Investment Treaty Law" was published in the *Journal of Work Investment and Trade* and his book, *The Law and Practice of Investment Treaties*, will be published by Kluwer Law this fall. He is a member of a research team that was recently awarded a three-year Social Sciences and Humanities Research Council research grant and is examining the legal, economic and public policy implications of investment treaties. In March, Andrew was appointed a member of the NAFTA Advisory Committee on Private Commercial Disputes by the Canadian government. Within the



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Faculty, he coached the B.C. Law Schools Competitive Moot team this year and was a member of the Decanal Appointment Committee. Andrew will be speaking at conferences in London and Cambridge this summer on the topic of general exceptions to investment treaty obligations.



In November 2007, **DONALD GALLOWAY** presented a keynote address entitled “Citizenship through a Legislative Lens” at a conference on Citizenship and Identity at Simon Fraser University. In March 2008, he presented a paper on “Security and Immigration” at a workshop on Challenging Sovereignty at the University of British Columbia. Following submissions he made in 2007 to the House of Commons Standing Committee on Citizenship and Immigration, he made further submissions in 2008 on Bill C-37 (amending the Citizenship Act) to the Senate Committee on Social Affairs, Science and Technology. His essay “Discrimination and Non-Citizens” appeared as a chapter of a book entitled *Of States, Rights and Social Closure*. Donald also coached the remarkably talented team that represented the University of Victoria at the Gale Cup Mooting Competition in Toronto.

ELIZABETH ADJIN-TETTEY co-authored (with Jamie Cassels) *Remedies: The Law of Damages*, 2nd edition (Irwin Law, 2008). Her other publications include: “Claims of Involuntary Parenthood: Why the Resistance?” *Emerging Tort Law Issues*, Chapter 4 (Hart Publications, 2007); “Accountability of Public Authorities through Contextualized Determinations of



Vicarious Liability and Non-Delegable Duties” (2007), *University of New Brunswick Law Journal*, 57; “Sentencing Aboriginal Offenders: Balancing Offenders’ Needs, Victims and Society’s Interests and Decolonization of Aboriginal Peoples”, *Canadian Journal of Women and the Law* (2007), 19.1; and “Righting Past Wrongs through Contextualization: Assessing Claims of Aboriginal Survivors of Historical and Institutional Abuse”, *Windsor Yearbook of Access to Justice*

(2007), 25(1). She was also a co-author of an innovative article, “Postcard from Edge of Empire” (2008), *Journal of Social and Legal Studies*, 17(1). Elizabeth made presentations at various conferences, including the Canadian Association of Law Teachers conference in Saskatoon and the Association for the Study of Law, Culture and Humanities Conference in Washington D.C. She is currently working on a number of projects, including racial balance in legal education (with Maneesha Deckha) and legal recourse for victims of discrimination, as part of a book on the contributions of the late Justice Bertha Wilson. Elizabeth was also a member of a subcommittee for the Legal Education and Action Fund’s intervention before the Supreme Court of Canada in *Honda v. Keays*.



MARTHA O'BRIEN presented her research on EU taxation of cross-border dividends and third countries at faculty seminars at ATax (the Australian School of Taxation at the University of New South Wales) and at the University of Sydney in April 2007, and the 10th Biennale conference of the European Union Studies Association in Montreal in May 2007. She published an article on the European Court of Justice’s *Fidium Finanz* case in the *Common Market Law Review*, and completed a major article on EU taxation of capital investment between member states and third countries. Students Kylie Buday, Philippa Estall, Stephanie Hanna and Ihor Osobik worked with Professor O'Brien to investigate the interaction of the European Neighbourhood Policy and the Pan-Euro-Med cumulation system for presentation at a roundtable on regional trade agreements in late November. Kylie and Philippa were also able to attend the roundtable, organized as part of the three-year Social Sciences and Humanities Research Council funded research project in which Martha has participated with an international team since 2005 (<http://ptas.mcgill.ca>). The presentation will be developed into an article for publication in 2008.



MICHAEL M'GONIGLE has been active this past year promoting the emerging university sustainability movement throughout North America, following the 2006 publication of his book *Planet U: Sustaining the World, Reinventing the University*. In addition to public lectures and academic seminars at McGill, Queens, York, Waterloo, Saskatoon, Simon Fraser, UBC, UVic, Arizona and UC Santa Barbara, he was the keynote speaker at a State of California university and colleges sustainability conference that attracted some 1,000 participants. His research centre at UVic, the POLIS Project on Ecological Governance, continued its work in areas such as water conservation, university governance and community research protocols (www.polisproject.org). Michael is presently heading into a study leave where he plans to complete a Social Sciences and Humanities Research Council research grant to develop a “green legal theory”.

CHRIS TOLLEFSON was recently promoted to full professor and continues to serve as executive director of UVic’s Environmental Law Centre (ELC). In the latter role, he was instrumental in securing Senate approval for the launching of a second “intensive stream” clinical course. He also played a leading role in the establishment of the ELC Associates Program and the creation of a second articling position at the ELC, thanks to funding from the Law Foundation of B.C. Last spring, he presented a paper entitled “Litigating the Precautionary Principle” at the 4th International Environmental Law Congress in Rio de Janeiro. While there, he negotiated an agreement between the Office of the Attorney General and the University of Victoria to support future collaboration regarding public law issues. Chris is currently pursuing research around forest and land use planning in Western Canada, with the support of the Sustainable Forest Management network. His latest book, *Setting the Standard: Certification, Governance and the Forest Stewardship Council*, is due to be published this summer by UBC Press.



CONGRATULATIONS TO OUR Law Faculty in Print

The Faculty of Law is honoured that so many exceptional scholars choose to bring their expertise to the University of Victoria and share their academic knowledge and insights with students and colleagues.

UVic Law hosted a celebration March 26 to recognize faculty members and others associated with UVic Law who have had books published in recent months. Dozens of faculty, staff members, students, friends and colleagues (including University of Victoria president David Turpin) came out to acknowledge the contributions of UVic Law’s latest authors.

The list below indicates all authors and editors of the works. Further information about many of the UVic Law authors and editors (and their research interests) can be found at www.law.uvic.ca/Faculty_Staff/bios.php.

John Borrows and Leonard Rotman

Aboriginal Legal Issues: Cases, Materials & Commentary (3rd edition)
Butterworths, 2007

Gerry Ferguson and Steve Coughlan

Annual Review of Criminal Law 2006
Carswell, 2007

Mark Gillen, Robert Yalden, Janis Sarra, Paul Paton, Ronald Davis and Mary Condon

Business Organizations: Principles, Policies and Practice
Emond Montgomery Publications, 2008

Gerry Ferguson, Mr. Justice Michael Dambrot and Madam Justice Elizabeth Bennett

Canadian Criminal Jury Instructions (4th edition)
Continuing Legal Education Society of B.C., 2007

Avigail Eisenberg (with contributions from Maneesha Deckha, Cindy Holder, Colin Macleod, John McLaren, Shauna McRanor, James Tully, Neil Vallance and Jeremy Webber)

Diversity and Equality: The Changing Framework of Freedom in Canada
UBC Press, 2007

Douglas M. Johnston (honoured posthumously)

The Historical Foundations of World Order: The Tower and the Arena
Martinus Nijhoff Publishers, 2007

Mark Gillen and Faye Woodman

The Law of Trusts: A Contextual Approach (2nd edition)
Emond Montgomery Publications, 2008

Hamar Foster, Heather Raven and Jeremy Webber (with contributions from Christina Godlewski, John Borrows, Hamar Foster, Jeremy Webber and Michael Asch)

Let Right Be Done: Aboriginal Title, the Calder Case and the Future of Indigenous Rights
UBC Press, 2007

Hester Lessard, Dorothy Chunn and Susan Boyd

Reaction and Resistance: Feminism, Law and Social Change
UBC Press, 2007

Jamie Cassels and Elizabeth Adjin-Tettey

Remedies: The Law of Damages
Irwin Law, 2008

Mark Gillen

Securities Regulation in Canada (3rd edition)
Carswell, 2007

2008 Book Launch



From the Environmental Law Centre

As the Environmental Law Centre (ELC) works to make the best use of the increased capacity that core funding from the Tula Foundation and project funding from the Law Foundation of B.C. provide, the ELC continues to grow and develop in new and exciting ways.

In September 2007, the ELC launched two new initiatives: the ELC Associates Program and the ELC Intensive Stream Clinic. Both programs are supported by five-year funding from the Law Foundation of B.C. and are supervised by ELC Project Director Deborah Curran.



The Associates Program is a unique collaboration that is intended to increase capacity of the public interest environmental Bar in B.C. by engaging cohorts of lawyers in continuing legal education activities over a two-year period. The first group of ELC associates is comprised of 11 lawyers who have demonstrated interest and experience in public interest environmental law. Through bi-monthly teleconferences, the ELC Associates share their knowledge and collaborate on key environmental and resource development issues throughout the province. They identify and discuss pressing issues, stay current on emerging environmental law practices and supervise student outreach initiatives. Planning is also underway for a September 2008 public interest environmental law workshop to educate B.C. lawyers about environmental law issues.

The new Intensive Stream course builds on the ELC's existing program by allowing law students to take the ELC's clinic over a longer period of time (two semesters instead of one, and for half of the course credits required for the year). That provides improved continuity for clients and gives students the opportunity to broaden and deepen their clinical experiences. We have just completed our first year of the Intensive Stream program, which has proved to be a demanding yet rewarding experience for our students.

Articling students are also proving to be a tremendous asset to the ELC. A particular benefit has been their ability to provide continuity to Clinic work, which is often difficult to complete in a single semester. With the experience they gain, articling students can take student work to the next legal step and they can take on cases too complex for ELC clinic students alone. As a result, the ELC has been able to take on more complex and challenging cases than possible previously.

It also plays a leadership role within the public interest environmental law community — coordinating efforts on important issues such as climate change, endangered species, freedom of information and environmental law reform. Perhaps best of all, the ELC provides an opportunity for students to gain career experience in public interest environmental law, a practice area with limited opportunities for new lawyers. The ELC currently offers the only full-time articling opportunities in the public interest field in environmental law west of Toronto, and the only articling positions at an environmental law clinic.

Our inaugural articling students, Jamie Thornback and Melinda Skeels, admirably fulfilled their terms in 2007. Jamie worked primarily on precautionary principle research and on climate change strategies. Melinda took the work of summer clinic student Emma Lehrer and assisted fall clinic student Dana Dempster in developing a comprehensive submission to the Auditor General of B.C., requesting an investigation of questionable land use decisions of the provincial government.

We look forward to working with our next round of articling students. Rachel Forbes joins us in May 2008, followed by Tim Thielmann in September. Rachel and Tim have been involved with ELC for the past few years. They have each taken the ELC Clinic course (Rachel is in the Intensive Stream class) and currently share the position of chair of the ELC student executive. They were outstanding candidates and we are pleased they will be starting their post-law school careers with the ELC.

On the clinic front, the ELC recently served as counsel for eight of B.C.'s leading environmental organizations, filing a complaint to the province's Information and Privacy Commissioner that freedom of information (FOI) requests from environmental groups were being unduly delayed and subjected to excessive fees. The commissioner found that the complaint had merit and, as a result, the ELC was able to negotiate a remedial action plan with the Ministry of Environment to address the complainants' concerns. (See <http://www.elc.uvic.ca/press/foi-reform.html> for details.)

Another well-publicized case has sought to protect the west coast of Vancouver Island from urban sprawl. Once again acting on behalf of a broad coalition of environmental organizations and community groups, the ELC has asked the Auditor General of B.C. to investigate government decisions regarding the deletion of land from Tree Farm Licences on southern Vancouver Island. The Auditor General has responded to the complaint by launching

an investigation. Information about many other ELC initiatives can be found on the ELC website at www.elc.uvic.ca.

In addition to focusing on clinic work, establishing a new Intensive Stream clinic and launching the Associates Program, the ELC reached out to alumni and celebrated its 10th anniversary on a beautiful October afternoon at the residence of Jim Piercey and Patricia Walter. Over 100 ELC friends and alumni attended the party. Many more sent congratulatory wishes and notes. Alumni, particularly those who got the ball rolling in the mid-1990s, appreciated hearing that the ELC is still going strong. We have received many requests to keep in touch with alumni, who want to be kept up-to-date on ELC events and projects. All in all, the celebration was a great success!

The ELC recently received a thumbs-up from *Canadian Lawyer* magazine. UVic Law ranked fourth in the magazine's annual ranking of Canadian law schools and we were pleasantly surprised to see that the short write-up on UVic focused entirely on what the publication described as the "renowned" Environmental Law Centre.

In March 2008, a group of ELC staff and students travelled to Eugene, Oregon, for the annual Public Interest Environmental Law Conference. They had an opportunity to network with some of the 3,000-plus students, lawyers, scholars and activists, and attend a selection of over 100 workshops and presentations on the theme of climate change. It was truly a team-building occasion for the ELC.

In summary, it's been a busy few months as the ELC develops in ways we had long hoped would be possible. We look forward to continuing our work of providing mentorship to Canada's next generation of public interest environmental lawyers and providing *pro bono* legal services that benefit the environment and communities throughout B.C.



ELC Clinic's Case Roster Summer 2007–Spring 2008

LAW REFORM & LEGAL EDUCATION



• **LEGAL TOOLKIT FOR LOCAL GOVERNMENTS:** An ELC initiative came to full fruition with the release of the *Green Bylaws Toolkit*, a comprehensive resource to help local governments protect wetlands, greenlands and other important ecosystems (www.greenbylaws.ca).

• **FREEDOM OF INFORMATION REFORM:** In response to a complaint by the ELC on behalf of a coalition of environmental groups, B.C.'s Information and Privacy Commissioner issued a report and negotiated an action plan to address issues of undue delay and excessive fees for environmental groups.

LAND

• **DUE DILIGENCE DEFENCE IN FORESTRY:** After the ELC asked the Forest Practices Board to investigate the potential for misuse of the due diligence defence in forestry laws, the board issued a report recommending changes.

• **PROTECTING SOUTH VANCOUVER ISLAND:** The ELC triggered an Auditor General report on a government decision to remove lands from a Tree Farm Licence (TFL) for development.

WATER

• **CLEAN MARINES:** The ELC developed the *B.C. Clean Marine Practices Handbook*, which describes all environmental laws applicable to B.C. marinas and will be used as the basis for a voluntary "green certification" program for marinas that choose to adopt best management practices.

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

The Importance of Getting Your Boots Muddy

Law Student Leonard Statz Makes a Difference in Mongolia

By: Thomas Winterhoff

When Leonard Statz was accepted into the University of Victoria Faculty of Law, he knew that he would receive a solid legal education that would serve him well in whatever career he chose to pursue after graduation. He also realized that the unique experiential learning programs offered through UVic Law would provide him with many opportunities to use that newly acquired knowledge to develop valuable practical skills outside of the classroom.

Learning how to ride a camel in rural Mongolia was an unexpected bonus.

Statz is now a second-year student, with a keen interest in criminal law, constitutional law, human rights law, public law and domestic violence issues. He's travelled quite extensively in Southeast Asia in recent years, so when he was offered a chance to complete a co-op placement in Mongolia, he jumped at the chance.

"I was hoping to get an opportunity to get back there and do some work," he says.

Statz applied for a four-month internship with the National Centre Against Violence (NCAV) in Ulaanbaatar, Mongolia, as part of the Students for Development Program offered by the Centre for Asia-Pacific Initiatives at UVic. The placement was funded by the Canadian International Development Agency (CIDA) through the Association of Universities and Colleges of Canada.

The NCAV is committed to reducing domestic violence throughout Mongolia and it operates a variety of programs to address the problem, including public awareness campaigns, legal education



and advocacy, client counselling and a system of temporary shelters to assist victims.

"Domestic violence is probably one of the most — if not the most — pervasive human rights issues in the world. Yet despite the fact that it knows no ethnic or status boundaries at all, it doesn't seem to me that it's discussed very often," explains Statz. "Even though it's almost as prevalent in Canada and the United States as it is in Asia, it's still not something that people seem to talk about. So I thought that was a really compelling reason for me to get involved."

Given that most domestic violence is directed toward women and children, he also thinks it's crucial for men to work on a solution to this pervasive problem, to demonstrate that they are concerned about it and to tell offenders that this sort of violence has to stop.

"Men need to hear other men saying that sort of thing."

From September to December of 2007, Statz worked alongside NCAV staff members and the organization's two lawyers to advise victims of domestic violence and also help change how the issue is perceived in the Asian country. Because family violence has traditionally been viewed as a private matter, one of the most significant obstacles was reaching out to victims to let them know that programs were in place to protect them and that a new law had been enacted to deal with perpetrators.

Legislation was passed in Mongolia in 2005 that specifically addressed domestic violence, stipulated penalties for violations of the law and laid out a framework to protect victims from further abuse. Much of NCAV's recent work has involved setting up outreach programs and training initiatives, which include educating police officials about the new legislation and its associated enforcement requirements. The very fact that the new provisions were codified in law and approved by the government was a huge step forward.





“The implementation is a big challenge for them,” says Statz. “Even though it was passed over two and a half years ago, it’s still a major issue that they’re dealing with now.”

Changing people’s attitudes towards domestic violence relies in large part on educating victims about their rights. Many women who are being mistreated aren’t even aware that specialized assistance is available, especially in a country where Internet access is limited and not many homes are equipped with televisions. There is also a strong correlation between income level and domestic violence, which makes it very challenging to reach victims, many of whom don’t even own a radio.

“When you’re in developing countries like this, even though the services are out there to help people, it’s quite often an issue of them actually finding out that they’re there. You see these kinds of things in countries like Cambodia and Vietnam as well,” says Statz.

NCAV is working hard to get the word out and encourage people to discuss

domestic violence and potential solutions to the problem, through outreach programs and public awareness campaigns delivered through radio, newspapers and leaflets.

“We had a press conference at the office one day that was broadcast on local television,” recalls Statz. “Inevitably, whenever one of these events occurs — whether it’s a radio show, a television broadcast or an outreach program — the number of people coming to the office increases dramatically the very next day.”

Statz was able to deal with the challenges he faced in Mongolia because his UVic Law education helped him develop analytical, research and critical thinking skills that were crucial in understanding how best to deal with each situation he came across.

“It helps you ask the right kinds of questions,” he says. “In law school, you break things down and analyze them and see how they could be adjusted or improved.”

Those skills allowed him to look at the problems he saw in Mongolia from

new perspectives and determine if they could be addressed in better ways or approached from different angles.

One project that Statz is particularly proud of is an advocacy paper that he wrote on compensation schemes for victims of domestic violence and sexual assault, which required him to research public compensation schemes elsewhere that were informed by civil rules and compensation precedents in civil suits. The paper addressed the impacts of domestic violence and sexual assault on victims, their families and society as a whole, and looked at how such a program might operate.

“In places like Mongolia, the perpetrators generally aren’t going to be able to provide any sort of recompense or damages to their victims,” he explains. “What we were hoping to do was compel the government to create a public compensation scheme much like we have here in Canada for criminal victim compensation.”

The director of the NCAV subsequently presented the paper to a delegation of government officials, lawyers, judges,

police officers and others at the national legislature, where it was “very well received”. Now it’s up to the government, the NCAV and other agencies to determine if such a plan can be established and to figure out how it might be funded.

When he wasn’t working at the centre, Statz took advantage of several opportunities to travel to other parts of the landlocked country, meet the local people and participate in “amazing” experiences along the way. In a rural area that was a bumpy, two-hour drive southwest of the capital, he visited a nomadic herding family in a traditional *ger* home, shared a meal with them and learned how to ride a camel. He also “ran, walked, crawled and staggered” his way through a 21.5-km half-marathon in the Gobi Desert.

“It is a really beautiful, unique, wild and raw country,” he says.

For Statz, the months he spent in Mongolia reinforced the long-term value of experiential learning, the need to “get your boots muddy” and the importance of studying legal issues in context. It also gave him greater insight into the struggles faced by people in developing



countries, plus an enhanced appreciation of the difficult work done by agencies like the NCAV.

That organization realizes that eradicating domestic violence in Mongolia is a lofty goal and that it’s going to require

a significant shift in social values, beliefs and traditions, but the NCAV staff also believe that the holistic model they’ve adopted is the best way to achieve that objective.

“Not only do they help and support the victims through shelter programs, and legal and psychological counselling, but they’re also involved in outreach and education all the way from the school level up to law enforcement,” says Statz. “They’ve made that commitment because they believe in it and they want to help people. I think what I’ve gained the most from this placement is that I know that I want to continue doing that with my career.”

He notes that law school definitely teaches students how to think, research and analyze problems — all of which they can apply to their future careers.

“But if we don’t go out and apply that skill set, we’re not truly beginning our learning as lawyers,” he says. “We don’t learn how to become a lawyer until we get out in the field, so the sooner you can do that, obviously the more quickly your skills are going to develop.”



Career Development Office Offers Support To Law Students

The programs and resources provided through the Career Development Office (CDO) have continued to expand this year. We have brought in first-time speakers to discuss a wide variety of topics, including: traditional legal career paths; working in non-profit organizations; practising in northern Canada; and working in the public service sector.

LAW FIRM CAREERS

When the Career Development Office began in 1995, it hosted one fall event and invited large firms from Vancouver, Calgary and Toronto to attend. We now host two separate wine and cheese events: a reception for B.C. employers (firms of all sizes as well as other legal employers) and another reception for Toronto and Calgary firms (coinciding with their on-campus interviews).

This past fall, a record number of 50 employers (including nine public interest organizations) attended our B.C. Employers Wine and Cheese Reception. It was held on September 24 at the Fairmont Empress Hotel in downtown Victoria and all UVic Law students were invited to attend. However, the focus at this event is usually on second-year students who are looking for a summer placement with a law firm. Planning is already underway for next year's event, scheduled for September 18, 2008 at the Victoria Conference Centre. For the first time, the CDO will hold another event the day after the reception to allow Vancouver firms to conduct on-campus interviews with our second-year students.

On-campus interviews (also known as "OCIs") are 20-minute pre-screening interviews for second-year students who are seeking summer employment. After the OCIs are completed, employers invite selected students to visit their firms for in-depth interviews before making job offers. It is common for large firms based in Vancouver, Calgary and Toronto to travel to law schools across Canada to conduct OCIs.

The CDO has expanded its services to include New York. UVic Law alumni are working in New York and every year a few students approach this market on their own. Last summer, the CDO was contacted by a New York firm that was interested in receiving applications from UVic Law students for their summer program. That resulted in an organized resumé collection for four New York firms. The current first-year class has expressed

an interest in this market, too, so we plan to expand the program for second-year, summer 2009 recruitment.

CAREER OPTIONS: BEYOND LARGE FIRMS

UnCommon Law Day has had a makeover. Traditionally, the CDO has dedicated the last Friday in January to a series of panel discussions featuring professionals who use their law degrees in creative and non-traditional ways.

This year, we expanded our "alternative" careers portfolio to include three or four events hosted throughout the year. This series is now called Career Options: Beyond Large Firms. This past year, events included an internship panel, a public service day and a lunch-hour discussion on working for non-profit groups and non-governmental organizations (NGOs). All of the events were well-attended, confirming that incoming students are also looking beyond traditional law firm employment.

PUBLIC INTEREST LAW STUDENT EMPLOYMENT PROJECT

Since 2006, UVic Law has been able to offer public interest employment opportunities for Co-op and non-Co-op students through the Public Interest Law Student Employment Project. This is a joint initiative with the UVic Faculty of Law and the UBC Faculty of Law, and is funded by The Law Foundation of British Columbia.

UVic Law has organized three placements for the summer of 2008. This initiative started as a pilot project and has since secured funding from the Law Foundation of B.C. for the next five years. In January of each year, The CDO accepts letters of interest from public interest organizations that wish to hire a law student for a four-month placement. (Organizations that wish to participate should contact the Career Development Office for more information.)

The Career Development Office is always looking for new programs to offer and interesting speakers to address our students. We have had a number of our alumni take a break from their Victoria vacations to host a lunch-hour information session in the Fraser Building. Please contact the CDO anytime to simply touch base or to arrange an event for our law students. We are always inspired by the variety of employment experiences and insights that UVic Law alumni have to share.

events. [We still have high-calibre, third-year students seeking articling positions for the 2008-2009 term.]

FOR ALUMNI

Join the Career Alumni listserve for information on associate positions, alternative careers and other career-related information. Send an email to smcnabb@uvic.ca with your full name, preferred email address and the year that you graduated from UVic Law. Alumni can also get involved by volunteering to mentor current UVic Law students.

CONTACT THE CAREER DEVELOPMENT OFFICE

Jennifer Moroskat, Career Development Officer, p: 250-492-4719
Shawna McNabb, Career Development Assistant, smcnabb@uvic.ca
p: 250-721-8790

UVIC LAW CAREER DEVELOPMENT OFFICE SERVICES

FOR STUDENTS

Professional Development: cover letter and resumé preparation, interview techniques, networking skills, mentor program, one-on-one career counselling
Career Events: B.C. Employers Wine and Cheese Reception, on-campus interviews, Career Options: Beyond Large Firms, resumé and interview workshops, Vancouver Firms Open House

Information Sessions: career planning, recruitment for law jobs, clerkship panels, internship panels, graduate studies

FOR EMPLOYERS

Employers can advertise upcoming research, summer, articling and associate positions. Contact Jennifer or Shawna in the Career Development Office to discuss opportunities to participate in UVic Law's career-related

New Faces, New Places at the Law Co-op Office

For almost two decades, the UVic Law Co-operative Education Program has provided students with valuable opportunities to combine their academic studies with practical work experience.

Most past and present Law Co-op students will remember April Katz, the original Law Co-op Coordinator. April was instrumental in developing the program and establishing meaningful long-term relationships with both employers and students. April recently retired from her position and she will be greatly missed. The Law Co-op Program would not be what it is today without April's vision, dedication and commitment to the experiential learning process.

In January 2008, University of Victoria alumna Francine Proctor joined the Law Co-op office as the new Law Co-op Coordinator. Francine received her law degree from the University of Victoria in 2001 and has worked in private practice and for the provincial government. Francine was delighted to see so many familiar faces amongst faculty members and law school staff when she assumed her new responsibilities as Law Co-op Coordinator. Francine and Co-op Program Assistant Norah Reksten look forward to working together to deliver and further develop the Law Co-op program.

Co-op students continue to embark on interesting and unique work experiences in various locations around the world. They routinely complete work terms in regions throughout Canada, including Nunavut, Yukon and the Northwest Territories. Students also travel to fascinating international locations, including Thailand, France and a variety of other places.

Co-op students continue to embark on interesting and unique work experiences in various locations around the world.

In the fall of 2007, Carly Chunick worked for the Entebbe Women Association, a non-governmental organization based in Entebbe, Uganda. The organization started as a women's group and still maintains that focus today, but it has expanded its activities to include poverty reduction programs, environmental projects, education, community sensitization and capacity development.

Carly's primary responsibility was to develop a child labour awareness program. She conducted research for information booklets that were provided to teachers and staff, covering children's rights, Ugandan laws and the duties of teachers. Carly also conducted research into women's property and land rights. Despite the challenges of conducting legal research in a developing country, Carly found the people amazing and the organization

inspiring, and she hopes to return to Uganda sometime soon.

Len Statz accepted a placement in Mongolia during the fall term of 2007. He found the position through the Centre for Asia-Pacific Initiatives and worked with the National Centre Against Violence, Mongolia's largest non-governmental organization.

Len was primarily engaged in advocacy work and assisted clients with family law and immigration issues. He also researched policy and law in support of the implementation of new legislation to fight domestic violence, which was passed in Mongolia in 2005. Specifically, Len wrote advocacy papers on topics that included: innovative methods for protecting victims of domestic violence and sexual assault; education of enforcement agencies regarding domestic violence; Canada's laws dealing with child abuse; and compensation programs for victims of domestic violence and sexual abuse.

Len also had the opportunity to attend a seminar on human trafficking that was delivered by the International Organization for Migration. It's an issue that has become a significant problem in Mongolia. Len made several trips to the countryside, including a trip to the ancient capital of the Mongolian empire and a mountaintop monastery. Along the way, he stopped in a small desert microclimate region to ride a camel.

In the spring of 2008, Kylie Buday interned with the Commonwealth Human Rights Initiative at its Africa office in Accra, Ghana. In addition to its involvement in a wide range of human rights campaigns, the office focuses on people's right to information, police accountability, civil liberties and mental

health. Kylie's work with the organization saw her write papers on forensic nursing and reproductive health, assist with legal aid cases and work on a memorandum related to a project dealing with child prostitution.

Kylie attended events at the British High Commission and the Ghana Bar Association. She also observed roundtable discussions presented by a prominent human rights and women's rights organization, regarding strategies for increasing women's involvement in politics within the African nation.

The UVic Law Co-op office would like to thank students, employers and University of Victoria staff and faculty members for their ongoing support of the program. We look forward to offering Law Co-op as an option to students for many years to come.

Student News

LAW FOR ALL CLUB MENTORS GREATER VICTORIA HIGH SCHOOL STUDENTS

It's not every day that teenagers get to bring a pirate to justice, but a group of Greater Victoria high school students did exactly that last month. Fictional rascal Captain Jack Sparrow (of *Pirates of the Caribbean* fame) was tried in a historic courtroom as part of an innovative outreach and mentoring program developed by law students at the University of Victoria.

The Law For All (LFA) initiative is designed to educate local teens and new immigrants who are interested studying law but — due in part to family or economic circumstances — may not have been encouraged to pursue that goal. The student-run program also wants to see more students from underrepresented cultural or

closed themselves off to the idea of attending law school.”

LFA wants to change all that. This year, the added attraction of a mock trial engaged the students' imaginations and made the free program particularly memorable.

“They loved it. One girl definitely wants to go to law school,” Rahman says. “This was a way for her to figure out what law is all about.”

Over the course of a week, the teens met members of the local legal community, took a tour of the downtown courthouse and learned how a trial is conducted. The highlight of the week was arguing Jack Sparrow's thievery case before a real provincial judge



ethnic communities attend UVic Law. Since the Faculty is already deeply committed to its equity and diversity policies, the school's admissions office has wholeheartedly supported the LFA project.

Third-year law student Lina Rahman is a key organizer for the group and has participated in a number of school visits over the past few years to talk about the legal profession. Together with 2007 graduate and LFA founder Salima Samnani, she wanted the students to realize that UVic Law was open to anyone who aspired to study law and was willing to work hard to get there, regardless of any perceived obstacles.

“The goal initially was to provide support for students who wanted to apply to law school but didn't even know where to begin,” explains Rahman. “Even getting them at the undergrad level is maybe too late for some of these kids, because they've already

in the Maritime Museum of B.C.'s Victorian-era courtroom. The Honourable Judge Evan Blake and UVic Law Professor Hamar Foster explained the legal principles involved and took the time to answer all of the participants' questions.

The mock pirate trial was designed to show how the law works, but the judge and the organizers also made sure the students enjoyed the experience. Although they were a little nervous during their opening arguments, they soon settled down to cross-examine witnesses, introduce evidence — and have a lot of fun.

Rahman is confident that the LFA mentoring program will continue next year. The most important aspect of the program for her was seeing the students' passion for learning new skills and listening to them talk about their dreams.

LAW GAMES TEAM DONATES PRIZE MONEY TO CHARITY

The annual Law Games competition is an opportunity for law students from across the country to forget about studying for a few days and get together with their peers to enjoy a friendly athletic and academic rivalry. The UVic team performed exceptionally well at the 24th annual contest in January, finishing first overall amongst the 18 Canadian law schools that took part.

A local charitable organization also ended up benefiting from the team's great results — to the tune of \$2,000. The UVic team decided to contribute prize money it won at the Law Games event to the Victoria Women's Transition House (VWTH), an organization that offers shelter, counselling and assistance to women who have experienced emotional and physical abuse.

“To the credit of the Université de Montreal, which organized Law Games this year, a condition attached to the prize money was that it had to be given to charity. That said, we wouldn't have had it any other way. Our moot-winning team members even contributed their personal prize money to the pot,” said team co-captain Michael Barrett. “VWTH was an ideal recipient. The organization reflects equity, social justice and community involvement values that are shared by everyone on the Law Games team and UVic Law as a whole.”

A strong contingent of 51 UVic Law students travelled to Montreal to represent their school, joining about 900 other students who participated in the four-day event. Their results were impressive, with the team finishing first in ball hockey, ultimate Frisbee and the academic moot (thanks to Chris Funt and Mike Doris). The team placed second in water polo and were semi-finalists in soccer, dodgeball and kinball (a remote cousin of volleyball played with an oversized rubber ball).

An energetic group of 10 UVic students also won the choreographed dance competition, which was performed before a cheering crowd of about 1,500 people on the eve of the last day of competition. The students' competitiveness, sense of fair play and collective enthusiasm earned them the much-prized Spirit Cup, which represents the overall Law Games title.

“We were initially shocked and then deeply honoured and absolutely ecstatic when we won the Spirit Cup,” said co-captain Evan Dickinson. “The Spirit Cup is the ultimate Law Games compliment; it says that we made the Games better for every other team there through our enthusiasm, sportsmanship and friendliness. We couldn't have been happier.”

Barrett expects that the team's performance at Law Games will be a “highlight memory” for the students who participated, especially for those who graduate this year. For everyone else, it will be a rallying point for next year in terms of school spirit and the pride they have in their law school.

“Students who couldn't attend this year are determined to be there next year,” said Barrett. “A lot of this year's team members have said to me that Law Games reminded them how glad they are to have chosen UVic. Our student body is our school's greatest strength, and Law Games displayed that strength.”

The UVic Law students were able to participate in the 2008 Law Games thanks to the support of the Vancouver offices of Lawson Lundell LLP, Stikeman Elliott LLP, Borden Ladner Gervais LLP, Farris Vaughan Wills & Murphy LLP, Alexander Holburn Beaudin & Lang LLP, Miller Thomson LLP, Blakes Cassels & Graydon LLP and Molson Canada.



STUDENT AWARDS NIGHT

The Faculty of Law celebrated the academic achievements of its undergraduate and graduate students on October 2 by honouring them at an awards ceremony held at the University Club.

Dean Andrew Petter, University of Victoria Chancellor Dr. Ron Lou-Poy and Associate Dean Kim Hart Wensley joined the Faculty's many valued donors in recognizing the remarkable accomplishments of our students, as they were presented with individual awards and scholarships.

The donors who so generously support the Faculty of Law allow the school to attract outstanding candidates, improve its facilities, develop new initiatives and further enhance one of Canada's most exceptional legal education programs. On behalf of the students, faculty and staff, UVic Law would like to thank all of its supporters for their generosity and ongoing commitment.



CBABC ABORIGINAL LAW STUDENT SCHOLARSHIP TRUST

Two new scholarships will be available to Aboriginal law students starting in 2008, thanks to the combined efforts of the Canadian Bar Association BC Branch (CBABC), the National Aboriginal Achievement Foundation (NAAF), the Law Foundation of B.C., the University of Victoria and the University of British Columbia.

The primary goal of the new program is to raise a minimum of \$500,000 to establish the CBABC Aboriginal Law Student Scholarship Trust, bolstered by up to \$75,000 in matching funds from the Law Foundation of B.C.

The endowment, which will be administered by the NAAF, will provide scholarships to two Aboriginal students who have been accepted into first-year law studies at UVic or UBC. The scholar-

ships are intended to help students who have the necessary qualifications to enter law school but who require assistance to finance their legal education.

The NAAF has administered more than \$27 million in scholarships and bursaries to Aboriginal students in Canada since 1988. The CBABC Aboriginal Law Student Scholarship Trust is seen as another positive step in developing legal expertise and leadership within the Aboriginal community in the areas of governance, economic development and the protection of social and human rights.

For more information about the program, check the CBABC website at www.cba.org/bc.

TWO STUDENTS SHARE UVIC LAW'S 2008 HUMANITARIAN AWARD

The University of Victoria Faculty of Law presents its Humanitarian Award each year to a student in second or third year who has made an "outstanding and selfless contribution of time and effort" to the well-being of individuals within the law school and the larger community.

This year, the Humanitarian Award Committee honoured two co-recipients: Karen Ameyaw and Roberto Alberto. Committee members noted that there was a large field of particularly strong candidates this year.

"It makes me feel proud to be part of an institution that contains such people," said committee chair Professor Hamar Foster. "I know there are many more students whose contributions make UVic Law the outstanding community it is."

Nominations come from within the University of Victoria Faculty of Law and are generally submitted by students or recent graduates. In announcing the award, Foster cited Ameyaw and Alberto's ongoing involvement in law school activities and their strong ties with off-campus organizations.

Roberto has worked with the Victoria Immigrant and Refugee Society and the Victoria Police Department. He also coaches soccer and is devoted to socially significant community theatre. Karen coordinated UVic Law's Aboriginal Cultural Awareness Camp, is a key member of the Law Students' Society and helped organize the 17th annual Black Law Students' Association of Canada conference. Both award recipients are also active in the UVic chapter of Pro Bono Students of Canada, the Law For All Club and the Dean's Advisory Committee on Ethnicity and Culture.

The Humanitarian Award is co-sponsored by the Victoria Bar Association and was presented February 14 by Professor Richard Devlin of Dalhousie University (following his presentation of the 2008 Fraser Lecture) and by Anne Fraser. Humanitarian Award Committee members include Mr. Justice Robert Johnston of the B.C. Supreme Court, Judge Ernie Quantz of the B.C. Provincial Court and Victoria lawyers Trudi Brown QC, Barri Marlatt, Tyler Luchies and Ann Roberts.



APPEAL



Alumni Updates

Class of '78

DEV DLEY QC of Kamloops was elected Chair of the Law Foundation of B.C., effective January 1, 2008.

Class of '84

RICK MCKEE returned to private practice with Code Hunter LLP.

Class of '91

JOHN (BRETT) CARLSON is practising in Lethbridge, Alberta, employed by legal aid as a full-time duty counsel in criminal court. Brett also provides assistance to employees through their employee assistance plans. He and his wife Kathy have been married for three and a half years and have a daughter, Elora Estelle Carlson, who is two and a half years old.



ALISON BREWIN is the Executive Director at West Coast Legal Education and Action Fund (LEAF). She has two children, Anders and Molly, and can be reached at albrewin@westcoastleaf.org.

Class of '92

SUZANNE KENDALL (STAMP) is an Assistant Chief Crown Prosecutor with the Calgary General Prosecution Office. Suzanne can be reached at suzanne.kendall@gov.ab.ca.

Class of '94

After 12 years in Kamloops, **DARREN BLOIS** moved to Moncton, New Brunswick, in August 2007. Darren practises civil litigation and insurance law at Murphy Collette Murphy.

TERRY HARTLEY is the General Manager, Human Resources with the City of Lethbridge in Lethbridge, Alberta.

Class of '98

NICOLE HOWELL works in Vancouver at Hamilton Howell, a boutique firm specializing in employment law matters. Her email is nhowell@hamiltonhowell.ca.

Class of '99

RICK GARVIN graduated in 1999 and has worked ever since at the federal Department of Justice in Edmonton as an immigration lawyer. It's his fourth career, after earlier careers as a musician, a fibre optic researcher, and a position with a TV and video production company. "Life is good as a Justice lawyer and I now have the opportunity to play music again. Please check out my website at www.rickgarvin.com."

Class of '01

FRITZ KLANTSCHI is working as an IP attorney at Jones Day in New York City.

Class of '02

MARWAN M. AMR is an Associate with Fulbright & Jaworski LLP in Washington, D.C., practising finance law.

Class of '03

NICOLAS FRENETTE recently accepted a position at the London, England, office of Clifford Chance.

CLAIRE ABBOTT will be pursuing her legal career in Vernon, British Columbia, after accepting an articling position with Davidson Lawyers LLP.

Class of '04

After articling in Victoria, **DARIN REEVES** rejoined the Canadian Forces and is now practising law within the Office of the Judge Advocate General (JAG) in diverse areas such as military/criminal law, international/military law and administrative law. Law school alumni who are interested in practising law within the JAG, or who have questions regarding the Canadian Forces in general, should feel free to contact Darin at Reeves.DT@forces.gc.ca.

"Fair winds and following seas to all."

Dean Andrew Petter

An Enduring Legacy

By: Thomas Winterhoff

One afternoon this summer, the longest-serving dean in the Faculty of Law's history will close the door to his office for the last time and begin a new chapter in his academic life. Dean Andrew Petter will return to the school to teach in 2009, but his job as dean will be complete.

Before he leaves the Fraser Building, however, he will likely stop in the hallway to chat with students, visit a few faculty offices to share a laugh, or offer a kind word to the staff he has worked with for years.

Such an exit would be characteristic of Petter's time as dean and reflect his sincere belief that the law school's remarkable achievements during his term were not just due to his own endeavours, but instead the result of an outstanding team effort by the entire UVic Law community. In adopting that perspective, Petter carries on a proud tradition that was established by founding dean Murray Fraser in 1974, when he and librarian Diana Priestly welcomed an enthusiastic and pioneering group of legal educators to teach UVic's first law classes the following autumn.

Fraser felt that the success of the Faculty of Law would always rely on exemplary individuals who were dedicated to working together to achieve great things. Petter has also envisioned the school as a place where innovation, hard work, teaching excellence and an unwavering commitment to social justice would be the defining hallmarks of the institution.

Petter entered UVic Law as a student in 1978, after working as an executive assistant in the B.C. government and studying political science at the University of Victoria. His decision to attend law school was in large part due to conversations he had with the school's first dean.

"Murray Fraser very much encouraged me to apply," says Petter. "I thought that if the dean of the law school takes that much interest in potential students, this must be an amazing place — and I wasn't disappointed."

A law degree would give Petter a solid foundation to pur-

sue his interests in public policy and social justice. He earned his LL.B. in 1981, receiving a Law Society of B.C. Gold Medal for finishing at the top of his class. He was also awarded a Commonwealth Scholarship to undertake graduate studies at Cambridge University, where he earned an LL.M. in public law with first-class honours.

After practising law in Saskatchewan, he was named assistant professor at Osgoode Law School in 1984 and then returned to B.C. to teach at UVic's Faculty of Law for five years before entering politics. As an MLA in the NDP government from 1991 to 2001, Petter held a number of important cabinet portfolios, including Aboriginal Affairs, Forests, Health, Intergovernmental Relations, Finance, Advanced Education and Attorney General.

Petter did not run in the 2001 election, choosing to return to his alma mater to resume his teaching career. However, within weeks of his arrival, he was tagged by colleagues to serve as acting dean when the position became vacant, and one year later was appointed the first graduate of UVic Law to serve as its dean.

"It's hard not to become attached to UVic Law as a student or as a faculty member," he explains. "Its strong sense of community derives from a commitment to exploring the relationship between law, society and social justice. It's about looking at law in a broad social context and not only exploring how law is used, but also how it should be used for social betterment."

Those concepts had a profound impact on Petter as a student and eventually drew him back to UVic as a faculty member.

"I returned because I believed in that collaborative project and welcomed the opportunity to re-engage with it, utilizing the knowledge and experience that I had acquired in the intervening years."



The UVic Faculty of Law is relatively young compared to other Canadian law schools, but it has built an enviable reputation for providing a solid legal education while offering students a wide array of unique and innovative programs. In his role as dean, Petter was determined to build on UVic Law's strengths and create new opportunities for its students, staff and faculty members.

While students should feel privileged to be able to acquire a legal education and practise law, Petter says that privilege comes with a responsibility to "give back" to the community.

"Law school is not just about training people to know the law in its academic or legal sense, but also how to evaluate and apply it. Law is about the way we structure our society and lawyers are there to serve society."

Petter notes that lawyers must also be able to discern how best to serve their clients' interests, whether through negotiation, mediation, litigation or some other means. Such a determination is not only a function of good judgement and knowledge of the law, but also of an ability to engage with clients and understand what they ultimately hope to achieve.

Part of UVic Law's original mandate was to give students the skills they need to practise law effectively, which is why clinical and co-operative education programs have become such important elements of the school's curriculum.

"This law school's commitment to clinical education was sustained even when other law schools were closing their clinics," Petter explains. "We carefully developed our co-op program and it remains the only one of its kind amongst Canadian common law schools."

Alternative dispute resolution was also an important focus very early on, because client-centred approaches were seen as vital aspects of the clinical and experiential learning experience.

"One of the things I'm really happy about is how well our clinical programs are doing," says Petter. "When I became dean, we

experienced some pretty severe cuts in public funding to our Law Centre clinic and there were real concerns that it might not be able to continue. Thankfully, with the support of the Law Foundation of B.C., the Ministry of Attorney General, the local Bar and others in the community, we've not only managed to stabilize the program but actually enhance it."

That process has produced a richer and more diverse curriculum for the students who participate in the Law Centre clinic. Those who take the program now encounter many different types of law, including criminal, family and human rights law.

The Law Centre will broaden its program again this fall when a full-time social worker joins the staff as part of a new "holistic lawyering" initiative. The social worker and a social work student will work with law students to meet the needs of clients whose problems are not exclusively legal, helping law students learn how to deal with clients who have emotional or psychological problems, and how to direct those clients to agencies that can provide the support and services they need.

UVic Law has grown and matured in many different ways in recent years. The Faculty has undergone a major expansion though the addition of nine new faculty members, including three Chair positions. Over \$2 million has been raised to support new entrance scholarships, bursaries, graduate fellowships and diversity access grants for UVic Law students.

During Petter's term as dean, the Faculty has accrued outstanding expertise in Indigenous law, public law, legal theory, environmental law and other specialized areas. Those fields continue to develop within a framework where the study of law remains firmly rooted in a larger social context.

The Fraser Building itself has also undergone significant changes, thanks to financial and logistical support from the Law Foundation of B.C. and the University of Victoria. Facility and technology upgrades have added wireless Internet service

throughout the building, videoconferencing capability, enhanced audio-visual equipment and classroom renovations intended to meet the needs of law students for many years to come.

This summer, work will begin on a major “repurposing” of the Diana M. Priestly Law Library that will include a new computer lab, an expanded learning commons, a new classroom and more group study areas for students. The reference desk and staff workroom will be moved to the heart of the library to make them more accessible and make interaction with students easier. Work will also begin this year on the refurbishment of UVic Law’s largest classroom, Room 159. The upgrades will provide greater flexibility and full disability access. The changes will take 12 to 18 months to complete, but will result in a learning environment that better reflects UVic Law’s teaching methods and will provide additional resources to support the research needs of students and faculty members.

The Environmental Law Centre (ELC) has expanded dramatically over the past decade, evolving from a single clinical course into a full-service environmental law clinic with an administrator and in-house counsel. A new associates program, an articling student initiative and an intensive study stream will continue to strengthen ties between students, the clinic and leading environmental lawyers and public interest lawyers throughout B.C. Similarly, the business law clinic engages students in the business world in increasingly valuable and meaningful ways.

The development of a public interest work placement program (with the support of the Law Foundation) is also reaping rewards. The new program will allow nine co-op or summer students per year (for the next five years) complete work terms with public interest agencies such as anti-poverty groups and environmental organizations, which desperately require expertise and research capacity but can’t afford to hire summer students.

“It’s really a win-win-win situation,” says Petter. “Over the next five years, 45 UVic Law students will be employed throughout this province in non-profit and other public service agencies, gaining fabulous work experience, earning money for their education, and making huge social contributions. What an amazing opportunity for them — and what an amazing contribution to the community!”

Petter notes that the role of a law school isn’t just to create programs that engage students, but also to support students who undertake worthwhile projects on their own initiative. The UVic branch of Pro Bono Students Canada, for example, is already one of the most active branches in the country after only three years of existence.

“We have students who, quite apart from the Faculty’s offerings, are out there on there on the ground adding further capacity on a volunteer basis,” says Petter.

Those sorts of programs are successful not just because students believe in the philosophy of the school, but because the philosophy

of UVic Law meets their needs and aspirations.

“The result is that everyone is better off, because the students who work on these initiatives — and the faculty and staff who support them — are so motivated and enriched by the contributions they make. As dean, it’s a privilege to be a part of that. It’s what makes me get up in the morning.”

Another area that has experienced significant growth during Petter’s term is the Indigenous law program, to the point that UVic Law is now regarded as a Canadian leader in Indigenous legal education. Almost 10 per cent of the student body has been Indigenous in recent years and there is more Indigenous programming now than ever before.

Much of that success is due to the establishment of a Professorship of Aboriginal Justice and Governance, under the leadership of Dr. John Borrows. This groundbreaking commitment originated with



former dean Jamie Cassels and became a reality during Petter’s term.

“Thanks in large part to John’s efforts, we have attracted more Indigenous students, we have built up our Indigenous program, and we have added Indigenous content to many of our courses and initiatives.”

Among other programs, the law school offers a concurrent LL.B./Master of Arts degree in Indigenous Governance, a special admissions category for Aboriginal students, an annual Aboriginal Cultural Awareness Camp (open to all students) and an Academic and Cultural Support Program. In addition, a new National Chair in Aboriginal Economic Development is being created at UVic in the faculties of Business and Law, following a successful \$5-million fundraising effort led by Petter.

“The new chair will enable UVic to play a national role in fostering Aboriginal economic development, and in promoting research and relationship-building to support such development,” explains

Petter. “There’s no other position like it in Canada. The chair will work with Indigenous communities, businesses and governments. It will harness the university’s resources to assist Indigenous people in addressing the structural, legal and social barriers that stand in the way of achieving economic self-sufficiency.”

One of the most ambitious of UVic Law’s Indigenous initiatives was the Akitsirag Law School offered in Iqaluit from 2001 to 2005. The unique program was a joint venture of UVic Law, Nunavut Arctic College and the Akitsirag Law School Society. Although the logistical challenges of offering a four-year law program in the Far North were daunting, the Faculty felt strongly that Inuit students should be given the opportunity to earn a Bachelor of Law degree close to home so as to equip them to use their newly acquired legal skills to benefit their communities.

“I can’t imagine any other law school in the country that would

which all law schools had a stake and an interest, and they wanted to be there for that. I think that’s quite a testament to what can be done if we believe we can change legal education and, with it, a bit of the world around us.”

Another project is still in the development stages but is already receiving enthusiastic support from many quarters. UVic Law hopes to soon offer a four-year joint degree in Indigenous and common law, in a way that will respect traditional Indigenous knowledge and also draw on its strengths. It will include an experiential learning component that will see students complete up to three placements in Indigenous communities.

The first step will be an Indigenous law program during the 2009 summer session, which will provide an opportunity to test new materials and approaches. If all goes well, UVic Law will have the full program ready in 2010 for 20-25 students, who will graduate with both an LL.B and a Bachelor of Indigenous Law degree.

UVic Law’s decision to create an LL.M. and Ph.D. graduate program was a carefully considered one, but it has been tremendously successful since its inception four years ago.

“Building on the Murray Fraser philosophy, we didn’t want to offer a graduate program that was a pale imitation or a miniature version of every other graduate program,” explains Petter. “We wanted to do something different that would set UVic Law apart, and that’s what we’ve done.”

The graduate program is based on a “law and society” theme, in which students engage in interdisciplinary research under the direction of supervisors from the Faculty of Law and other UVic faculties. The law and society concept places particular emphasis on legal theory, environmental law, public law, Indigenous law and legal history.

“We originally thought that this program would attract a dozen or so students. In fact, we’re probably going to have twice that many next year,” says Petter. “We’re attracting a lot more Ph.D. candidates than we anticipated. The students are very motivated, with many drawn to UVic Law because of our outstanding faculty and access to supervision that they couldn’t get elsewhere.”

The graduate program has developed a welcome international flavour, with students from Peru, China, Thailand, Australia, Spain and other countries around the world choosing to attend UVic Law to undertake their LL.M. or Ph.D. programs.

In all of its programs, a cornerstone of the Faculty’s approach to legal education is to reflect the richness of Canadian society as a whole. Through a comprehensive scholarship and bursary program, Indigenous and special access admission categories, and ongoing fundraising efforts, UVic Law endeavours to ensure that qualified applicants are not denied access to law school due to financial circumstances or other challenges.

“An important part of this law school’s philosophy is to encourage diversity and to make sure that legal education isn’t only for elites,” says Petter. “Not only is it the right thing to do, but we

be so positive and determined as to think that it could deliver a four-year, degree-granting program in the high Arctic,” Petter says with a laugh. “Yet again, through a remarkable collaborative effort of faculty, staff and our partners in Nunavut, we pulled it off.”

Members of the Canadian legal community and judiciary, as well as faculty members from other law schools, recognized the importance of what UVic Law was trying to do. Some of them became directly involved by teaching in Iqaluit or providing other resources to make the program a success. When the 11 Akitsirag graduates received their degrees, the Governor General of Canada and a former justice of the Supreme Court of Canada were in attendance to mark the occasion. The Council of Canadian Law Deans decided to move its bi-annual meeting to Nunavut so the deans could also be present.

“They didn’t see it as just another school’s graduation ceremony,” explains Petter, “They saw it as a national endeavour in



foster a much better learning environment when we can draw students from a diversity of backgrounds and perspectives, and the community can benefit from the richness of their knowledge and experience.”

When Petter leaves the Dean’s office on July 1, he will take the opportunity to travel, read, write and prepare for his return to full-time teaching and research in 2009. He will also have time to reflect on the Faculty’s many successes. Under his thoughtful and charismatic leadership, UVic Law has increased its capacity, expanded its budget, developed a wide range of pioneering initiatives and enhanced virtually every program in what is now widely regarded as one of Canada’s finest and most innovative law schools.



Q & A with Andrew

1. HOW DID YOUR PERCEPTION OF LAW SCHOOL CHANGE AS YOU ATTENDED UVIC LAW AND LATER RETURNED TO TEACH HERE?

“Prior to attending UVic Law, my archetypal image of legal education was similar to one presented in *Paper Chase*, which depicted law school as a place where the ability to think like a lawyer was ground into you and you were trained to practise in a large law firm. That’s probably an unfair characterization of Canadian legal education generally, but UVic Law in particular set itself up as a different kind of law school: one that offered a collaborative, student-centred and supportive learning environment. Moreover, it held out law not as an end in itself, but as an instrument that could and should be used to better society. Certainly that was an image of law that appealed to me when I entered law school, along with the fact that the entire law school community shared in that enterprise. It’s not that everybody had the same view of social justice or what changes should be made, but everyone was challenged to consider law’s capacity to effect social change, along with their responsibility to harness that capacity for social good. The idea of returning to UVic as a faculty member to work with students and colleagues on that same mission was very exciting.”

2. WHAT DISTINGUISHES UVIC LAW FROM OTHER LAW SCHOOLS?

“It goes back to the vision of Murray Fraser and the group of legal educators that he drew to the university. The original insight they shared has sustained the school and given it purpose. Particularly for a small law school, you can’t be all things to all people. You have to stake out a mission and a mandate that are not only committed to academic quality, but also offer students something unique and worthwhile that they can’t get anywhere else.

Based on that insight, they decided that they would create a learning culture that was different than the ones found at larger traditional law schools. We take advantage of the fact that this is a relatively small law school community to provide students opportunities to work with each other and with faculty in an engaging and collaborative learning environment that wouldn’t work at other institutions.

Another aspect of that vision is a commitment to studying and understanding law within a larger societal context that views law not as an isolated discipline or enterprise, but as one thread of a larger social fabric. UVic Law students are encouraged to focus not just on their professional responsibilities as lawyers, but also on their social responsibilities to members of the community at large.”

3. HOW HAS UVIC LAW’S EMPHASIS ON VIEWING THE LAW WITHIN A LARGER SOCIAL CONTEXT HELPED STUDENTS PREPARE FOR THEIR CAREERS?

“Examining law from interdisciplinary, comparative and theoretical perspectives — and considering its social and legal impacts — helps to illuminate the nature and role of law in general. This approach provides students with knowledge and insights that they wouldn’t otherwise gain, and which I believe produces better lawyers. Lawyers who understand the law and how to engage with it from all of these various perspectives are better equipped to be creative and to adapt to changing social circumstances. Lawyers who are able to assess the social and political dimensions of a problem, and are aware of the social and political avenues and strategies that may be available to address their clients’ needs, are inevitably going to be better lawyers. A lawyer who only knows how to draft a contract or litigate has a very limited set of alternatives to offer. But a lawyer who is also equipped to assist a client in other ways, such as engaging with public agencies, lobbying, mediating or negotiating, can offer a repertoire of alternatives that is more likely to produce a satisfactory resolution.”

4. HOW IMPORTANT ARE UVIC LAW’S RELATIONSHIPS WITH THE LEGAL COMMUNITY AND OTHER SUPPORTERS?

“As a professional school, the Faculty of Law depends on having strong and positive relationships with the legal community, and thankfully we have those. Our students, in the course of seeking summer employment, co-op terms and articling positions, are also in touch with law firms on a regular basis. Of course, we also try to maintain regular contact with our alumni, many of whom remain actively involved in supporting the law school.

Another example of how we benefit from our relationship with the legal community is the support we derive from law firms and legal associations, many of whom sponsor scholarships, awards and moots. The Victoria Bar Association, for example, supported the Law Centre when government funding was cut. The Canadian Bar Association is in the process of establishing scholarships to help Indigenous students attend UVic and UBC. Also, many members of the legal community assist with teaching and mentoring, as well as coaching and judging moots.

The Faculty also benefits from maintaining positive relationships with the community at large. We receive important financial support from governments and foundations based on the value of the services that our Faculty and students provide to the community through clinical programs and other initiatives.

In addition, our community donors who generously support the Faculty help us attract outstanding students, mount new programs, improve facilities and generally enhance one of Canada’s most outstanding and innovative legal education programs.”

5. AS DEAN, WHAT HAS IT BEEN LIKE TO WORK WITH THE STAFF AND FACULTY AT UVIC LAW?

“One of the great things about being dean is that one becomes engaged in virtually every aspect of the law school community. This has allowed me to work with virtually all members of faculty and staff, and I have found this aspect of my job especially

rewarding. It has also made me realize that what makes this law school great is not that we lack challenges, but rather that we are a community of people who are committed to viewing such challenges as opportunities to re-evaluate what we are doing and strive to do better. It has also made me realize how fortunate we have been to have staff members who are incredibly talented and who are so committed to the institution, our students and each other. That level of talent and commitment has helped us overcome a lot of problems and difficulties over the years that other institutions might not have survived.

Although being dean has not always been an easy job, it has been a hugely gratifying one. To have the degree of support that I have been given every day has made my work worthwhile and has created an engaging and collegial environment of which I feel truly privileged to be a part.”

6. YOU’VE TAUGHT HUNDREDS OF STUDENTS OVER THE YEARS, BUT WHAT HAVE YOU LEARNED FROM THEM?

“The best way to learn anything is to teach it. UVic Law instructors are the beneficiaries of our own philosophy, in that we encourage students to think critically and to engage collegially with faculty members. We have motivated and insightful students who insist on getting to the truth. That makes the classroom environment an exciting and rewarding experience for everyone who teaches here.

I think I’ve learned more from my interactions with students than in any other forum, and those classroom experiences have invariably motivated and informed my scholarly work.”

7. DO YOU HAVE ANY ADVICE FOR THE INCOMING DEAN?

“One is always reluctant to give advice to one’s successor. I think we’re very fortunate to have recruited a dean who is going to bring new energy, commitment and ideas to UVic Law, and I don’t want to get in the way of that process one bit.

However, I think the advice I would offer to any dean — present or future — is to ‘lead from behind’.

Some of the great things about UVic Law are the talent and creativity that exist amongst our students, our faculty and our staff. The role of a dean, as I see it, is to give expression to that. Most of the innovation and growth we’ve experienced over the past seven years has not been due to the initiative of the dean, but to the creative and collaborative energies of the entire school.

This institution functions well because it is full of people with fabulous ideas. Thus the best way to serve the community as dean is to be an instrument for those ideas by working to facilitate their attainment. Of course, it is important for the Dean to shape and strategically focus those ideas, to give them voice and then seek out the resources to make them happen.”

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