Standing Up for Social Justice

Don Casswell
Standing Up for Social Justice
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

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
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 endeavors 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 endeavors 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.

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 decanal 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 he has — with the fully funded new National Chair in Aboriginal Economic Development, the largest externally funded facility he has — 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
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 mooting, 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.

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.
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.

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 bide 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.

ALLAN SECKEL
Don Casswell exemplified teaching — along with his caring and compassionate attitude towards students, staff and faculty alike — helped introduce me to the meaning of the “UVic Difference”.

His insistence that we always consider an analysis of a dissenting judge’s comment (“which may be obiter, but...”) is an excellent example. His use of court time while a litigator, because we seemed to race through the material and have plenty of time to bide 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 inflect 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.

I also miss sharing 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.

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...!”)
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.

Don Casswell and I, with others, were founding co-chairs of the conference on gender, sexuality and activism at Westminster. Could this be true? Had time passed by us without our knowledge? We knew of each other and we knew of our mutual connections to Dr. Ted Reibl, a colleague at the University of Victoria. But had we really known each other?

The turbulence in the room were not sufficient for his needs! His cherub “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 knows 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 retirement. 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 rights equality. Don helped me get to that place. 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 lawyer. 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.

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 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 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 this considerable abilities in legal analysis and discourse.

The Canadian edition of Fundamentals of Torts (Klein and Hoffmeister, 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 area.

The dimensions presented in that work are, of course, a challenge for legal analysis and discourse, but not for Don. His later major works confirmed this.

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 given me the time, room and subject matter and a copy for my education. If I have not mentioned his generosity, let me do it. 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.
Tell me, and I will forget. Show me, and I may remember. Involve me, and I will understand. — Confucius (551–479 BC)

Rather than just hearing or reading about the experiences of others, students make discoveries for themselves. This is the same method it Glenn Gallins uses 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 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 provides an eye-opening experience for many students.

“You 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 is 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 is possible because the Law Centre is a good place for students to develop their critical thinking and problem-solving skills. They learn to evaluate the strengths and weaknesses of the legal system. Before beginning their 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 develop a better understanding of how people become involved 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 much greater capacity to change the lives of students.

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 experience incredibly 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 are 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 allows them to absorb the sense that there really are at least two sides to every case.

Chris Siver, a Law Centre student during the spring of 2005, agrees that a lot of the law that he practised “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 Facing 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 Pettet believes that the Law Centre is also a good place for students to develop their capacity to understand the nature of the legal system. “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 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 both cost 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 students constructive 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
his feedback, revised further and finally sent to the client (who is also given an opportunity for feedback).

The Vancouver firm of Bull, Houser & 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, the 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 getting 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 provided an 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 Etell 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 students are allowed to take on a wide variety of work, both paid and unpaid, in order to gain work experience and to develop skills.

The Co-op program has been enhanced recently thanks to Law Foundation of B.C. funding. This 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. For example, 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 visitship in 2006-07, Justice J.J. Oliphant, Associate Chief Justice of the Court of Queen’s Bench of Manitoba, was 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 Sonya Keith 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 Brigette 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 mounting 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 organization 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 Resource Society (PAWS) project, through which UVic Law students helped PAWS organize a family law clinic. PAWS clients were given the opportunity to make their own informed choices.

In March, UVic Law students participated in a pro bono factum for the Supreme Court of Canada. What the students did not know was that the court case was a personal story of a young woman who had several children with varying degrees of legal knowledge who share a common goal of making legal aid accessible. The project was also interesting and challenging because it brought aspects of the practice of law that are often overlooked to teach in law school. As Keith highlights, “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 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, but this is what I was able to see as practising family lawyers talking about these issues with clients in a respectful and helpful way.”

When all avenues of administrative appeal had been exhausted without success, a legal aid counsel 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 another 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 more 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 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 and positive experience. Connecting with advocates outside the classroom and the real world from the day they enroll instill in students typically stays with them beyond their law school, and positively impacts the way they practice law at the same time that they learn legal doctrine and theory.

Since the early 1990s, the UVic law school has made a concerted effort to instill in students the value of learning through experience. An idea whose time is here, the UVic Law School’s experiential learning initiatives contribute significantly to the delivery of high-quality, meaningful, without being any less rigorous or demanding.

The UVic Law School has committed to providing students with opportunities to participate in real-life legal situations that are meaningful and professional without being any less rigorous or demanding.

When the appeal was denied and Johnson’s involvement continued through another appeal process, she presented the case to the 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 not just as good as 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.
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 throughout 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 important 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 Caigraian LLP) was held October 25. A total of 40 UVic Law students took part, with Brigetta 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 2008 American Bar Association Client Counseling Competition. The team was coached by 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.

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 Brigetta 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.

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.I.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 Provener. 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 Counseling 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 Brigetta 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 travel 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. 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 Israeli 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. On Thursday, Dr. Andrew Petter and spoke with students and staff.

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 Fried, Lorne Sossin, Marie Joie Brady, Davi Robbins, Marianne Constable, Sharon Cowan, Jennifer Schweppe, Enakshi Dua and Janet Mosher.
GILLIAN CALDER’s most recent travels have taken her to Berkeley for the final week of the 2007-2008 HumanitiesConference, where she presented "Finally I Know When 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 taught a law and helping professionals course and participated in a 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 Adam-Dechka, Rebecca Johnson, Hester Lessard, Maureen Maloney and Margot Young. The second is entitled “Counting Outsiders: A Pedagogical Work on Using Theatre in the Classroom.”

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 Hurst Green. 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 essay for the Dictionary of Canadian Biography on Gedan志, or Amos Russ, who was probably the first Hasidic to convert to Christianity. He has 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 of B.C. 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 Canada to mark the 175th anniversary of Osogbo Hall. Along with Wesley Pue and Andrew Buck, Hamar has also co-edited a special issue of BC Studies designed to mark the 100th anniversary of the B.C. Court of Appeal. Recent committee responsibilities have included chairing the Humanitarian Awards Committee and the Visitors Committee. In March of 2008, Hamar gave the Dean’s Lunchtime Lecture Series lecture entitled Getting It Wrong: Media and the Law. He continues to be a member of the Victoria City Boxing Club and has an occasional interest in booktalk that he wishes he could use more.

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 related publications we were joined by Uvic Law grad Dan Puchniak (2001) from Kyushu University, Mark Sidell 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 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 on Access to Justice in Malaysia. These works were entitled A Comparative Study (Lenden, Martinus Nihoff, 2007) and, with Professor H.P. Lee of Monash University, Constitutional Landmarks in Malaysia: the First 50 Years, 1957-2007 (Kuala Lumpur, Malayaw Law Journal, 2007). The Lanten Treaties conference book, which contains a foreword by HRH The Sultan of Perak, was launched by the Malaysian Ministry of Arts and Culture, Datuk Seri Dr Rais Yatim, as part of Malaysia’s 50th birthday celebrations in August 2007.

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 of 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 Otani, Japan. Following that, she presented a paper that she and Hester Lessard were 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, Fudge was a Visiting Scholar at the London School of Economics, where she continued her comparative labour law research. She has recently completed the co-editorship of the Onati International Series on Law and Society (published by Hart Publishers) in the UK and on the editorial board of the Canadian Journal of Law and Society. Judy is also a co-ordinator of the “Citizenship at Work” theme of SSWK, a SSHRC-funded Major Research Initiative, entitled Building Institutions and Capacities for Work and Employment in a Global Era: The Social Dynamics of Labour Regulation.

ANDREW PIRIE contributed a chapter entitled “Critiques of Social Constructionism” to a new text on negotiation (The Theory and Practice of Negotiation), published in 2008 by Emond Montgomery. Lawyers interested in learning more about modern negotiation theories and practices will find this text rewarding and informative. Andrew has also written 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 Osogbo 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 (CC). The competition attracted 12 teams from law schools throughout Western Canada and the northwest United States. Over 50 J.D. and B.C. Law students helped provide client services 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 (ICC) in India. Andrew continues his work with Lawyers on Stage Theatre.

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 “On the Book of Job, Justice and the Constitution Behind the Text” will appear in the Journal of Constitutional Law and Jurisprudence. Arising from other parts of his constitutional scholarship, “White Fire: Structural Indeterminacy, Constitutional Design, and the Constitution Behind the Text,” will appear this spring in the Journal of Law and Investment. He contributed a testimonial letter to Dr. McWilliams’ Canadian Criminal Evidence, Ben has continued his research as a law of evidence and criminal law and theory, with a piece entitled “On the Book of Job, Justice and the Constitution Behind the Text,” which will appear this spring in Law, Culture and the Humanities. Along with his co-authors 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 for 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 will also 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.

ANDREW NEWCOMBE has been continuing his research in the area of investment treaty law and dispute resolution. His article “Sustainable Development and Investment Treaty Law” was published in the Journal of World 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 has recently won a three-year Social Sciences and Humanities Research Council grant and is examining the public policy implications of investment treaties. In March, Andrew was appointed a member of the Uvic Law faculty in the program in Law, Policy and Practice in Private Commercial Disputes by the Canadian government. Within the
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 “Custodianship 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 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 Moot Competition in Toronto.


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 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 Amber- ber 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, Reinvigorating the University. In addition to public lectures and academic seminars at McGill, Queens, York, Waterloo, Saskatchewan, 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, continues its work in areas such as water conservation, university governance and community research projects (www.policyscript.org). He 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.

2008 Book Launch

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.ubc.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)
Carswell, 2007

Avigdol Eisenberg (with contributions from Maneesha Deckha, Cindy Holder, Colin Macleod, John McLaren, Shauna McNairan, James Tully, Neil Vallance and Jeremy Webber)
Diversity and Equality: The Changing Framework of Freedom in Canada
UBC Press, 2007

Hester Lessard, Dorothy Chunn and Susan Boyd
Victimisation and Discrimination: 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

Douglas M. Johnston (honoured posthumously)
The Historical Foundations of World Order: The Tower and the Arena
Martinas Nijhoff Publishers, 2007

Mark Gillen and Faye Woodman
Emond Montgomery Publications, 2008

Hamar Foster, Heather Raven and Jeremy Webber (with contributions from Christina Godlewksa, John Borrows, Hamar Foster, Jeremy Webber and Michael Asch)
Let Rights Be Done: Aboriginal Title, the Calder Case and the Future of Indigenous Rights
UBC Press, 2007

Hester Lessard, Dorothy Chunn and Susan Boyd
Victimisation and Discrimination: Feminism, Law and Social Change
UBC Press, 2007

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)
Carswell, 2007

Avigdol Eisenberg (with contributions from Maneesha Deckha, Cindy Holder, Colin Macleod, John McLaren, Shauna McNairan, James Tully, Neil Vallance and Jeremy Webber)
Diversity and Equality: The Changing Framework of Freedom in Canada
UBC Press, 2007

Hester Lessard, Dorothy Chunn and Susan Boyd
Victimisation and Discrimination: 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
ELC Clinic's Case Roster
Summer 2007 Spring 2008

- 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 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. The professional 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 Skeeth, 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 Thalmann 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 Piercy 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.
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.

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

**Career Development Office Offers Support To Law Students**

**Career 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 receptions each fall (one for alumni of any law firm, 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 two-day Career and Professional Development Conference. 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 for one-on-one phone 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 UVic Law alumni are working in New York and every year a few students approach this market on their own. Last summer, the UVic Law alumni are working in New York and every year a few students approach this market on their own.

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 exponential 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 Nekethan 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. 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 interested in your employer(s)’ experience and insights that UVic Law alumni have to share.

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. 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 capsalloon 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 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 want- ed 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 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 the mock pirate trial. The added attraction of a mock trial engaged the students’ imaginations and made the free program particularly memorable.

“The most important aspect of the program was that 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, counseling and assistance to women who have experienced emotional or physical abuse.

“To the credit of the Université de Montréal, 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 most-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 90 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 kickball (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 abso- lutely 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 Seiden Parkes & Lang LLP, Miller Thomson LLP, Blakes Cassels & Graydon LLP and Mollison Canada.
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 scholarships 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.
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 Marlett, Tyler Lachie and Ann Roberts.

TWO STUDENTS SHARE UVIC LAW’S 2008 HUMANITARIAN AWARD

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.

**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@ucalgary.ca.

**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.

**Class of ’04**

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

**Class of ’05**

**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."

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.”

**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.
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 a faculty member at Osgoode Law School in 1984 and then returned to BC to teach at UVic’s Faculty of Law for five years before entering politics. As an MLA in the NDP government from 1991 to 2003, 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 practice 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. Faculty and technology upgrades have added wireless Internet service.
Andrew Petter believes in the philosophy of the school, but because the philosophy 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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 and other non-profits. 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.
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 practice 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 was more likely to produce a satisfactory resolution. 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 craft 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."

What distinguishes UVic Law from other law schools?

"In that enterprise. It's not that everybody had the same view of it held out law not as an end in itself, but as an instrument that is more likely to produce a satisfactory resolution. 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 craft 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."

What is UVic Law’s emphasis on viewing the law within a larger social context?

"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 craft 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."

How has UVic Law’s emphasis on viewing the law within a larger social context helped students prepare for their careers?

"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 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 the University of Victoria’s most outstanding and innovative legal education programs."

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."

What distinguishes UVic Law from other law schools?

"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."

How has your perception of law school changed 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 practice 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 is more likely to produce a satisfactory resolution. 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 craft 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."

What is UVic Law’s emphasis on viewing the law within a larger social context?

"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 craft 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."