

UVic Law News

John Kilcoyne

Teaching From the Heart
for 25 Memorable Years

Jeremy Webber

2009 Trudeau Fellow

Val Napoleon

Landmark Ph.D.

Awards and Accolades

Faculty Honoured for
Cutting-edge Research

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UVic Law News

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Message from the Dean

Dear alumni and friends,

Every morning, I am greeted by talented students who come from across the country to study law at the University of Victoria. Each week, I meet distinguished alumni who are engaged in an exciting range of careers in Canada and around the world. The founding dean, Murray Fraser, envisioned an innovative law school that would prepare its students to be excellent lawyers as well as outstanding public citizens. Each day, I see ample proof that he succeeded in meeting that objective.

A great law school strikes a balance between tradition and innovation. By respecting values and practices that produced stellar graduates in the past, we ensure that future graduates will also receive a superior legal education. At the same time, no school remains great by resting on its laurels. If its alumni are to serve their clients, employers and the public interest well, UVic Law must respond to the ever-changing dynamics of legal practice and society at large.

The key is to identify those aspects of current programs that are essential to a superlative education, and thus worthy of remaining as tradition, and those elements that must respond to changing circumstances. In short, legal education is exactly like law itself. It must display a healthy respect for precedent while also knowing when to alter precedent to achieve its aims.

Many features of UVic Law’s curriculum were innovative when Murray Fraser introduced them more than 30 years ago and they have withstood the test of time — such as our focus on experiential learning, international initiatives and interdisciplinary studies. This issue of *Law News* contains stories about each of these components.

In assessing where to strike the balance between tradition and innovation, the Faculty benefits greatly from the input of our alumni. This past spring, I travelled to four Canadian cities to meet with alumni and discuss the challenges and opportunities facing lawyers who work in private practice, government or other fields. Their invaluable feedback has provided much food for thought as we review the law school’s programs. In this issue of *Law News* is a selection of photographs from that tour. In 2010, I look forward to meeting many more UVic Law alumni and friends.

In its ongoing deliberations about where to innovate and what to preserve, UVic Law must take account of the current economic climate. The Faculty has responded effectively to the unanticipated economic downturn of recent months, but belt-tightening may be on the horizon. For several years, we have been grappling with a provincial tuition policy that permits UBC Law to charge higher fees than UVic Law. Moreover, both B.C. law schools are required to deliver quality programs with significantly fewer resources than law schools in provinces such as Ontario. For the 2009-10 academic year, for instance, UVic Law’s annual tuition is \$8,178 and UBC’s is \$9,937, while Osgoode Hall charges \$16,325 and the University of Toronto \$21,767.

UVic Law has maintained its excellent programs despite these fiscal challenges, in no small part because of the generosity of our alumni and friends. With your continued support and our proven ability to respond appropriately to changing times, UVic Law will continue to thrive. In the future, as in the past, we will strike the correct balance between tradition and innovation. Murray Fraser did not merely create a great law school — he founded an extraordinary community! I am honoured to serve as the ninth dean of the Faculty of Law.

Warmest regards,

Donna Greschner

Donna Greschner
Dean of Law



Donna Greschner, Dean of Law

Photograph by: UVic Photo Services

John Kilcoyne

By Thomas Winterhoff

Teaching From the Heart for 25 Memorable Years

For over a quarter of a century, Professor John Kilcoyne brought extraordinary attributes to the classroom that had a lasting impact on hundreds of UVic Law graduates: an enthusiasm for scrutinizing and understanding the law; a tremendous depth of knowledge; and a career-long dedication to social justice. He also exhibited a genuine concern for the academic success and personal well-being of every student he taught.

At a series of goodbye parties and tributes that preceded his retirement in June 2008, it was clear that Kilcoyne has made an unforgettable impression on the law school and on the lives of his students. He was honoured with the Terry J. Wuester Teaching Award an unprecedented six times, was a two-time winner of the Law Students' Society First-Year Class Teaching Award and received the University of Victoria Alumni Award for Excellence in Teaching in 2003.

Kilcoyne used his analytical skills, wit and natural teaching abilities to make complex legal theories and arguments understandable. Like his fellow professors, he taught law within a wider social, cultural and economic context — and he never lost sight of its human dimension. His work at UVic Law was notable for its intellectual rigour, inventiveness, compassion and humour. Professor Kilcoyne also encouraged students to make meaningful and lasting contributions to the legal profession following graduation.

The impetus for his approach as a teacher and a practitioner stemmed in part from his own days as a UVic Law student. The connections he forged with the law school during its early years — and the principles he shared with founding dean Murray Fraser — have endured. The warm



John Kilcoyne enjoys his retirement in his home woodworking shop

If you mention John Kilcoyne's name to any of his former students, their reactions are invariably positive: a smile, an anecdote about an unforgettable moment in his class, or questions about how one of their favourite law professors is enjoying his well-deserved retirement.

to night classes in -40 C temperatures in Saskatoon, his passion for learning eventually brought him to UVic in 1975.

"I was in Victoria when they opened the law school," Kilcoyne says, adding that it was clear from the day the law school opened that year that it was exploring innovative approaches to providing an exemplary — and responsive — legal education.

"The very fact that it was new was a real attraction," Kilcoyne says of the law school. "You never heard: 'This is the way we've always done it.'"

He recalls that the Faculty was still "a work in progress" when he took his first class in the fall of 1975. But Kilcoyne was excited to watch its programs quickly come together and see how much energy its faculty members put into defining a vision for the new school.

"That was a wonderful time. It was really nice," he says, noting that he met his future wife Bonnie Hallas in his first-year Legal Process course.

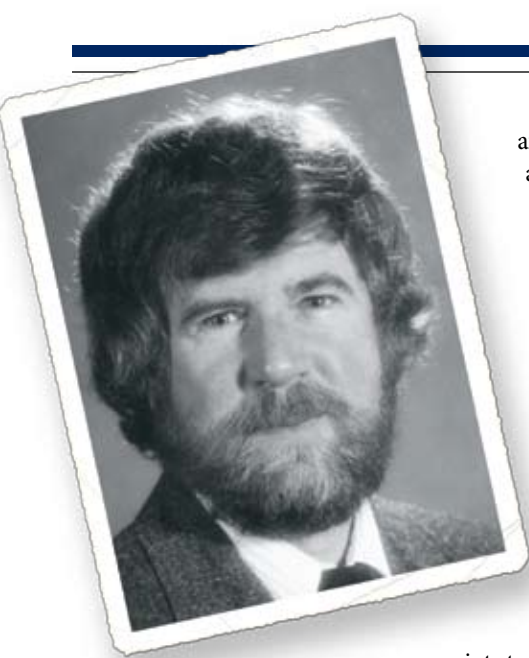
reception he received during a cross-country tour with Dean Donna Greschner in May 2009 was a testament to his longstanding commitment to teach "from the heart."

Kilcoyne grew up in Hamilton, Ontario, but he hastens to add that he left "at the first available opportunity." His first year of post-secondary education was spent at the University of Western Ontario. He spent a few years at sea running sailboats between the Caribbean and ports on the Eastern Seaboard, and his early working life was punctuated by part-time studies at York University, McGill University and the University of Saskatchewan.

Despite a concerted effort to study at "every good party school" in the country, Kilcoyne never accumulated enough credits to earn an undergraduate degree. After growing tired of trudging off



Photograph by Sharon Tiffin



Kilcoyne graduated with an LL.B. degree in 1978 and then articulated and practised in Victoria for three years. He focused on collective bargaining issues and labour law, areas that he found “incredibly rewarding.” He remains keenly interested in employee rights, the disparity in bargaining power between employers and employees, and the concept of labour generally. He

points to the “critical importance of employment” not only as a means of subsistence, but also a means by which people can express themselves through their work activities.

“I think those elements, taken together, have made it a never-ending area of interest for me.”

Even before he finished his LL.B. degree, Kilcoyne was thinking about going to graduate school and pursuing a career as a law professor — with the ultimate goal of teaching at his alma mater.

“I never wanted to teach anywhere other than here,” he says. “There’s no question about that.”

Kilcoyne completed his master’s degree at Osgoode Hall Law School in 1984 under the supervision of Professor Harry Arthurs and then headed right back to Victoria to get directly involved in what was becoming known as “the UVic Law difference.” He was appointed as an Assistant Professor in 1984 and promoted to Associate Professor in 1990. His research, publication and teaching interests were extensive, but concentrated on employment law, labour relations, contracts, collective bargaining and computer technology.

“My interest in teaching was spurred by a belief that I could bring something to the classroom: humour, engagement, critical thinking and scotch. One out of four isn’t bad,” he says with a laugh.

Kilcoyne says he has remained deeply committed to the ideals promulgated by UVic Law’s first dean, as well as the values and traditions the law school has embraced since. Over 25 years, he saw UVic Law’s curriculum develop into what it is today: rich, comprehensive and intellectually stimulating, with a host of clinical programs, support services and extracurricular activities designed to challenge and engage every student.

“It’s a remarkable institution that accepts novel propositions: that students are people; that a mastery of law can only be achieved if one is aware of the various economic, social, political, cultural and historical contexts within which it operates; and that a legal education is a unique privilege that carries with it a correlative obligation of service to the public generally and, in particular, to the less-fortunate members of our community,” he explains. “It was — and remains — an institution that has done a remarkable job of blending academic excellence with respect and compassion.”

Kilcoyne has been involved in countless UVic Law initiatives over the years. He was an advisor to the pro bono program and he helped

develop the Legal Process course. He also sat on dozens of administrative committees, but he is particularly proud of UVic Law’s efforts to expand its financial aid program and make law school more accessible. He says that the Faculty has come a long way, but adds that the job is never-ending and he wants to see the financial aid program continue to grow.

Kilcoyne feels very fortunate to have both attended classes and taught at UVic Law. His experiences were rewarding and memorable, as he investigated legal topics that interested him and then shared his knowledge and insights with others. As a professor, Kilcoyne was a great proponent of UVic Law’s open door policy. Even students who weren’t in his classes would often come to him for advice or guidance.

He says his interactions with students have been “symbiotic” and that he’s learned a lot from them as well.

“It’s only in the last couple of years that I’ve realized it’s very healthy — both intellectually and emotionally — to spend a lot of time with young people who are bright, enthusiastic, committed, innovative and progressive. It’s fun.”

Although his retirement means that Professor Emeritus Kilcoyne doesn’t spend as much time in the Fraser Building as he used to, he is certainly keeping himself busy. He and his wife Bonnie love to travel and they’re looking forward to more frequent trips abroad. New Zealand and Northern Spain are just a few of the destinations they’re considering, along with dozens of villages and cultural landmarks in France — one of their favourite countries to visit.

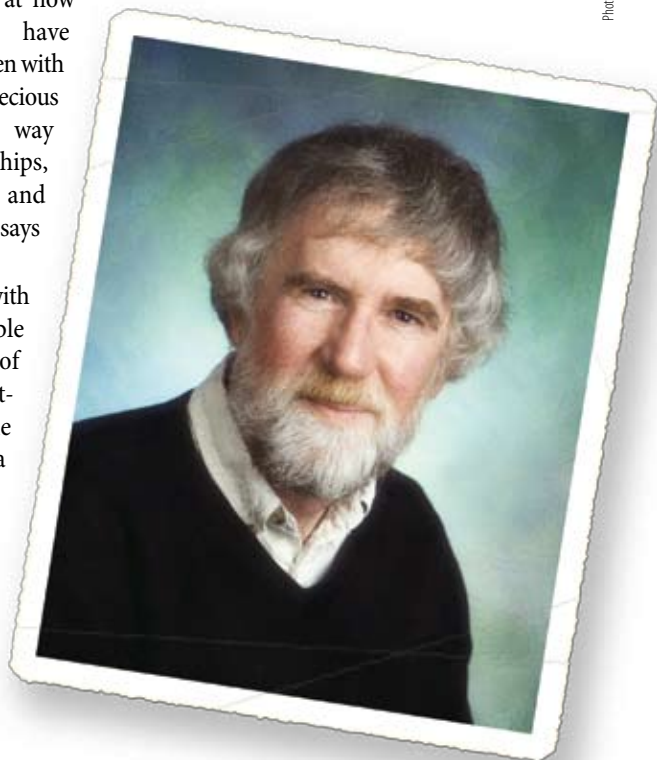
One of Kilcoyne’s hobbies is woodworking and he continues to renovate their home and add new pieces of handcrafted furniture.

“We’ve been building a house for 12 years and it’s getting a bit embarrassing, so I would like to finish it,” he says.

Professor Kilcoyne enjoyed a remarkable career at UVic Law. His contributions to the Faculty and his dedication to its students have created a legacy that will be long remembered. For his part, he’s thankful to have worked for so many years with people whom he considers friends as well as professional colleagues.

“My overwhelming emotions are those of amazement and gratitude. For a quarter of a century, I have worked with students, staff and colleagues who were incredibly intelligent, talented and committed individuals. I truly marvel at how fortunate I have been. I’ve taken with me many precious gifts in the way of relationships, friendships and knowledge,” says Kilcoyne.

“I also left with an incredible collection of pens and Post-It notes,” he adds with a grin.



Photographs by top left-UVic Law archives; bottom right - UVic Photo Services

TRIBUTES

PROFESSOR ANDREW PETTER (CLASS OF 1981)

For 27 years, three as a law student and 24 as a law professor, John Kilcoyne has been a vital force in the development of UVic Law and a key contributor to its success.

As a member of the inaugural Class of 1978, John was immersed in the collaborative project assigned to all faculty and students by Dean Murray Fraser — building a law school whose academic program was founded on values of shared learning, professional responsibility and social betterment.



John’s contributions as a faculty member have been legion. No one has been more generous in supporting fellow faculty members in all aspects of their work. Regardless of the size or nature of the problem, John was always there to lend an empathic ear, provide valuable advice and offer tangible support.

John has also been a major contributor to the administration of the Faculty, as I discovered as Dean when he took upon himself the challenge of reforming and overseeing our student financial aid system. Due largely to his efforts, the Faculty was able to live up to its commitment to foster a more diverse student body even in the face of rising tuition rates.

John did all of this without seeking gain or glory. On the contrary, he has laboured mightily to try to convince others that he is a hard-boiled cynic and an unrepentant curmudgeon. This effort, however, marks his one failure. For no matter how hard he has tried, virtually everyone who has worked with John or has been taught by him knows that his superficial cynicism is born of a deeper idealism, and that his curmudgeonly exterior masks the compassionate core of a caring sentimentalist. In this, John has made what might be dismissed as a cliché in any movie — the dedicated professor whose crusty persona masks a heart of gold — into a way of life at UVic Law.

BASIL ALEXANDER (CLASS OF 2004)

John Kilcoyne is, by far, one of the best law professors a student could ever have the benefit of encountering, because he truly cared about what was happening to students. Inside the classroom, he taught law from a practical perspective with his trademark humour, commentary and wit. He is the reason why I and many others specifically took his courses.

Outside the classroom, John was always fundamentally concerned with helping students over the long term. He was invaluable as a sounding board and we could talk to him about anything. For those of us who did not fit into the automatic, “traditional” career routes, he also helped strategize and implement realistic individual futures from both short-term and long-term perspectives.

John also worked tirelessly for students behind the scenes. When significant tuition increases were considered in the early 2000s, John took the lead at the Faculty because he was very concerned about the impact on students and UVic Law’s unique culture. It is largely because of John that,

despite the pressure of competing law schools charging enormous fees, UVic implemented what was then one of the most thoughtful and progressive approaches to law tuition and needs-based bursaries in the country.

John is one of the main reasons why UVic Law became fun for me and others. He has been rightfully appreciated and recognized many times over the years for these and many other things. After all, it is because of the significant impact of special people like John that we all succeed and keep trying to make a difference, too.

PROFESSOR MAUREEN MALONEY

John Kilcoyne is one of a kind. He epitomizes all of the qualities — and then some — for which UVic Law stands. John was committed to teaching and to ensuring that students engaged with their studies in an intellectually stimulating and supportive environment. He never lost his enthusiasm and his dedication to being the best mentor and teacher he could, as evidenced by the numerous awards and accolades that he received for his excellence in teaching.

Most of this is well-known. Less well-known is the pivotal role that John played as a faculty member, by reminding his colleagues of the importance of “the UVic Law difference” and its commitment to teaching law in context and pursuing social justice. John also took upon himself additional administrative duties, usually of a very sensitive or difficult nature, and he managed them with his

usual empathy, discretion and insight. He was a unifying force among the faculty and took collegiality very seriously.

On a more personal note, John was an extraordinary friend and colleague who was always available to lend a sympathetic ear, give wise counsel and share both laughter and tears. I have been privileged to know John for over 25 years and he has enriched my life enormously. He will be sorely missed.

RUBEN SEKHON (CLASS OF 2007)

Professor Kilcoyne and I are both avid hockey fans. In my third year, I decided to do my major paper in Professor Kilcoyne’s collective bargaining class. When I asked him if I could write my paper on the topic of hockey, he immediately agreed. He said that his prime concern about major papers was that students were genuinely interested in their topics. Whenever I needed clarification about my topic or wanted to consult with him about my paper or any other coursework, he was happy to sit down with me and appeared to have endless time to devote to students.

On a funnier note, for the last class of the semester while we were debriefing a negotiations simulation, Professor Kilcoyne took us to a pub in the afternoon. He proceeded to buy beer for the class, demonstrating his fun-loving nature and his generosity. He then conducted the debrief and said goodbye to the class, wishing us a fun afternoon.

As a result of securing jobs, third-year students sometimes skip classes. In my third year of law school, I was in the cafeteria when Professor Kilcoyne

walked in and saw me. He knew that I had secured a job in the summer and asked: “What are you doing here?” I said I had a class and his response was: “That’s a good excuse... Go home.”

In the summer between my second and third year, I remained in Victoria and did volunteer research for Professor Kilcoyne. He paused at one point when we were discussing the research topics and (on a very serious note) said: “On a given sunny day, if there is a choice between doing this research and going to the beach, always go to the beach.”

Professor Kilcoyne’s dedication did not stop after I left law school. On a visit to Victoria, I enjoyed a reunion with him over coffee. Even in the extremely busy year before his retirement, he made time to meet me.

Since I was inspired by Professor Kilcoyne and his insights into employment law, I worked extensively in labour and employment law while articling. I never thought I had a great interest in employment and labour law, but due to Professor Kilcoyne’s teaching, charisma and knowledge, I developed an extensive interest in this area. Even while working, if I came upon a case that I was stumped on, Professor Kilcoyne took my phone calls and would often provide me with a great starting point for my files.

PROFESSOR HAMAR FOSTER

I once co-owned a small sailboat with John Kilcoyne and I can attest to the fact that, although he does look a little like Red Green, he is much handier – and not just with duct tape. Compared with building and re-building houses (which John has been doing ever since I first met him, and that was a while ago), the challenges of making a law school work properly must have seemed like small change.

In addition to having a virtual lock on the Terry J. Wuester Teaching Award in recent years, John (among other things) ran annual collective bargaining simulations, was the patron saint of Student Financial Aid and (in all but name) was Chair For Life of the Advisory Committee on Promotion and Tenure. Boy, did any committee chaired by John ever run smoothly! It left little for the rest of us to do, which (hardly surprisingly) was just fine with the rest of us.

To say we will miss John is to use the wrong tense, because we already do. He has attended a couple of law school functions since taking early retirement

and although his quiet gloating was annoying, it can’t be denied that we all secretly hoped that these appearances meant he had changed his mind and was coming back.

John, I wish you, Bonnie and Jessica a glorious retirement and I have no doubt that is what it will be. But do you think you could at least come back each September and January for the Legal Process course?

HART SHOULDICE (CLASS OF 2008)

On the day before an exam in Johnny K’s class, regardless of the day of the week, he could always be found roaming around the Fraser Building looking to answer any last-minute questions that students had. Where other professors might respond to an e-mail on the weekend before an exam, John would make sure students could see him in person. Of course, he would always preface his assistance in times like these by saying, “What the hell are you doing here? Go home already.”

That was what made him such an admired professor. He had a deep commitment to the education of his students, but he also wanted to make sure that we didn’t lose our perspective and get caught up in our studies to the exclusion of other aspects of our lives. Aside from his “spot on” lectures and grumpy sense of humour, that is what I most appreciated about him as

a professor: his commitment to ensuring that we were as mentally healthy as we were academically prepared.

He didn’t think we should run ourselves into the ground while getting our degrees and he did everything he possibly could to make sure that didn’t happen. John likes to play the role of the curmudgeonly old sailor, but he continually embodied a genuine compassion for the education and well-being of his students that was impossible to hide.

His lectures, of course, were as unique as the man himself. Relevant material was always laid out clearly and understandably, with generous and appropriate doses of humour, cynicism and personal commentary thrown in for good measure. I do not think I have ever come out of lectures as equally entertained and educated as I was after his classes. I also know for a fact that I never saw another professor receive a standing ovation from students upon a course’s completion.

MARK UNDERHILL (CLASS OF 1995)

I was fortunate to attend UVic Law during a period where several legendary professors were still actively teaching: the late Terry Wuester, Mary Anne Waldron, John McLaren and Jamie Cassels, to name just a few. No professor, however, had a greater impact on my life and career than John Kilcoyne.

His single greatest contribution to UVic Law was the seemingly endless time he gave to law students for one-on-one counselling and guidance.

I was just one of many students who spent countless hours in his office talking about all aspects of law school life and, most importantly, about what the future might hold in store for me. John directed me to my first summer articling position, which led to full articles and nine subsequent years with that firm — despite several bets with John that I would never article, never get called to the Bar and would be out of the law field entirely within three years. He has been gracious enough not to collect on those bets to date.

Like all law students, there were ups and downs for me at UVic. I have not forgotten the unwavering support during the “downs” — a hallmark of true friendship. John’s quiet pride in the achievements of his students was also evident throughout his teaching career.

To say that John’s retirement leaves a gaping hole in the law school is an understatement. However, everyone knew how much John enjoyed life outside the four corners of the Fraser Building. John was an early example of “life-work balance” that the rest of us never seem to achieve. I wish him the very best in his workshop and beyond.

JOANNA GISLASON (CLASS OF 2006)

Somebody said that knowledge is what’s left over once you’ve forgotten what you learned. Johnny K — as he was known by my cohort — taught me much more than I can remember learning in law school. It isn’t that his teaching lacked rigour. Far from it. His classes were impeccably choreographed performances sketched in chalk, charts and ratios. But he had a delightful disregard for “the obvious stuff” and peppered his lectures with scathing critiques of the law, witty commentary about policy and — my favourite — tales of the “rascals” and “deadbeats” who were at the heart of the matter. I’ve never laughed so much in a class. He took all of the self-importance and pomp out of law and taught it as it is: a practical but imperfect tool we can use to help people.

Now that I am in private practice, I continue to learn from Johnny K. I love pitching him the facts of a labour case I’m working on and then together puzzle over what exactly is “at the heart of the matter”. He possesses a gentle astuteness about human beings that he somehow combines with sharp cynicism about law and politics. He continues to be an insightful and hilarious teacher and friend. UVic Law will not be the same without him.

Professor Jeremy Webber Named 2009 Trudeau Fellow

By Thomas Winterhoff

Professor Jeremy Webber was named one of four new Trudeau Fellows by the Pierre Elliott Trudeau Foundation in 2009. The award recognizes Webber’s cutting-edge research into the constitutional structure of democratic governance, as well as the opportunities and challenges presented by a culturally diverse society.

“The great task of any society is how to determine the principles and rules that will govern that society in the face of continual



disagreement over what those principles should be,” explains Webber. “In highly diverse societies, such disagreement is often grounded in different cultures of social debate and decision, indeed often in different practical ways of life.”

Webber is a world-renowned scholar and author in the areas of cultural diversity, constitutional theory and Indigenous rights. He has written on labour relations, Indigenous rights in Canada

and Australia, the relationship between Quebec and the rest of Canada, issues of nationhood and cultural minorities, and questions of constitutional design and interpretation. He notes that dealing

with our cultural, political, moral and religious differences can be difficult at times, but it is also exhilarating and essential work.

“It forces us to reconsider preconceptions. It reveals aspects of our lives that we might otherwise overlook. It challenges us to find ways to live together peacefully and respectfully,” he says. “I am interested in what we need to do to sustain a community, how we should adjust our relationships and how we respond to injustice. This fellowship will enable me to further my research in a whole range of ways, engaging deeply with scholars and graduate students wrestling with similar issues.”

Professor Webber has a B.A. degree in political science from UBC, common law and civil law degrees from McGill University and a Master of Laws degree from Osgoode Hall. He currently holds the Canada Research Chair in Law and Society in the Faculty of Law.

Webber served as Dean of Law at the University of Sydney in Australia from 1998 to 2002, returning to Canada in 2002 to accept the Canada Research Chair. He says he was attracted to UVic Law because of the faculty’s commitment to social justice, its explorations of legal and political theory, and its engagement with Indigenous traditions of law and social order.

“This is certainly a well-deserved honour for Jeremy and a recognition of the high calibre of scholarship at the Faculty of Law,” says Dean Donna Greschner.

The Trudeau Fellowships awards are made by an independent jury of researchers and intellectuals and support the winners as they pursue the next stages of their academic research. Each fellowship is for a three-year period and includes a prize amount of \$150,000, plus a \$75,000 research and public engagement award.

A Strong Tradition of Excellence



BORROWS



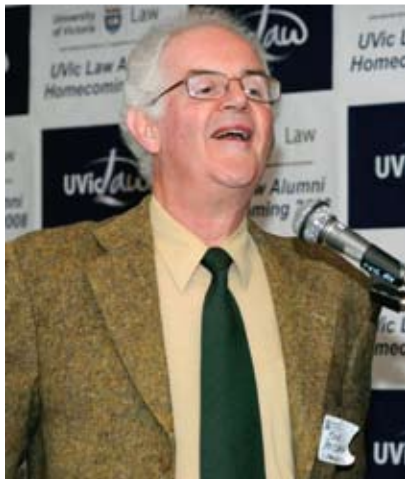
TULLY

Professor Jeremy Webber is the third UVic Law professor to be honoured with a prestigious Trudeau Fellowship. Professor Jim Tully (who is cross-appointed in Law) was among the inaugural fellows in 2003 and Professor John Borrows was named a fellow in 2006. Only one other university (the Université de Montréal) has had more Trudeau Fellows than UVic and no other single department in the country has had three fellows.

Photographs by (top) UVic Photo Services; (bottom) Sharon Tiffin

UVic Law Alumni Celebrate

By Moira Dann



The University of Victoria Faculty of Law hosted several major events for alumni in recent months, including two 25-year reunion receptions, UVic Law Alumni Homecoming 2008 and the 2009 UVic Law Tour. These events attracted hundreds of attendees and the law school community was very pleased that so many former students, faculty members and staff were able to join in the festivities and renew old acquaintances.

Professor John Kilcoyne, who recently retired as one of UVic Law's most admired and respected instructors, was feted at the 2008 Alumni Homecoming. In addition to a tribute to his 25-year career, Homecoming events included an opening reception, tours of the Fraser Building, lectures, an update on the law library renovation project and a recognition of the many contributions of former dean Andrew Petter, who led the Faculty of Law from 2002 until June 2008. The Faculty welcomed many honoured guests and alumni from graduating classes going right back to 1978.

UVic Law alumni who wish to learn more about getting involved in the law school's programs can visit www.law.uvic.ca/alumni for further details.

Left page, clockwise from top left: Greg Nash ('81) and Andrew Petter ('81); Anne Fraser; Mary Anne Waldron (UVic Associate Vice-President Legal Affairs), Murray Rankin and Allan Krasnick ('81); Clint Megaffin ('02) and family; Professor Emeritus John McLaren
Right page, clockwise from top left: Dean Donna Greschner and Margaret Sasges ('89); Shauna Labman ('03) and Professor Emeritus John Kilcoyne; Walter Palmer (managing partner of Fasken Martineau, Ontario) and Dean Donna Greschner; Sandy Williams ('07), Ruben Sekhon ('07) and Sofi Khwaja ('07)



UVic Law Tour

The 2009 UVic Law Tour this past May was a great success, as Dean Donna Greschner, John Kilcoyne and other members of the UVic Law community travelled across the country to meet with alumni, UVic Law supporters and prospective students in Ottawa, Toronto, Calgary, Vancouver and Victoria.

Dean Greschner had the opportunity to meet with many friends of the law school and discuss the exciting initiatives currently underway at UVic Law. Kilcoyne was one of the first graduates of UVic Law in 1978 and was greeted warmly by former students and colleagues.



Guest Academics Enrich Learning Experience

By Thomas Winterhoff

UVic Law's faculty members are dedicated to sharing their knowledge and scholarship with students and academic colleagues — both in Victoria and elsewhere. They are frequently invited to make presentations at international conferences and leading educational institutions abroad. Similarly, UVic Law's reputation for fostering a dynamic and intellectually challenging learning environment attracts a wide range of visiting professors, practitioners and speakers from around the world. These distinguished guests enhance UVic Law's programs by discussing their research and legal expertise during thought-provoking presentations and individual interactions with students and professors.

The Faculty of Law has welcomed dozens of exceptional guests to the UVic campus in recent months. They include **Shin-ichi Ago** (Kyushu University Faculty of Law, visiting scholar in 2008), **Constance MacIntosh** (Dalhousie University Schulich School of Law, visiting scholar in 2009) and **Qianfan Zhang** (Peking University School of Law, visiting professor for 2009-10). Dr. Zhang's wife, **Xiaoyang Wei**, is a visiting scholar for 2009-10.

In September 2008, the Faculty welcomed **The Honourable Louise Arbour**, former Supreme Court Justice and former UN High Commissioner for Human Rights. She spoke on the topic of *International Human Rights Advocacy: Opportunity and Limitations*. The Hugh Alan Maclean Lecture in Criminal Law and Legal History was presented in November 2008 by Calgary lawyer **Hersh Wolch, Q.C.** His talk was entitled *Wrongful Convictions: Milgaard and Truscott*.

UVic Law welcomed several eminent guests to a discussion of homelessness issues in January 2009, as part of the Legal Process program for first-year students. The panel included **Dean Fortin** ('84, Mayor of Victoria), **Ted Hughes** (then co-chair of the Greater Victoria Coalition to End Homelessness Society) and **Catherine Boies Parker** ('94, who was dealing with a case involving homeless people camping in public parks).

In January 2009, **Chief Justice Allan Lufty** of the Federal Court of Canada visited the law school to speak to students and faculty members on *Canadian Patent Litigation*. In February 2009, **The Honourable Wally Oppal** — B.C.'s Attorney General at the time — delivered the 2009 F. Murray Fraser Lecture. This prestigious lecture is named in honour of the law school's founding dean. Mr. Oppal's topic was *Access to Justice: What We Are Doing and What Can Be Done*.

UVic Law alumna **Barbara Yates** ('78, Woodward and Company) visited in February 2009 to participate in a student-led workshop on sexual assault issues, co-hosted by the International and Human Rights Law Association and the UVic Association of Women and the Law. The International and Human Rights Law Association held its annual conference in February 2009, with a focus on human trafficking. Guests included **Benjamin Perrin** (UBC law professor), **Robin Pike** (Executive Director of the B.C. Office to Combat Trafficking in Persons) and **Karen Blackman** (International Organization for Migration).

The Law Community Conference in March 2009 offered a fascinating series of presentations and panel discussions with speakers **Denise Réaume** (University of Toronto) and **Diana Majury** (Carleton University) of the Women's Constitutional Court. The WCC is made up of academics, activists and litigators who re-examine Supreme Court of Canada judgments to challenge traditional views about equality.

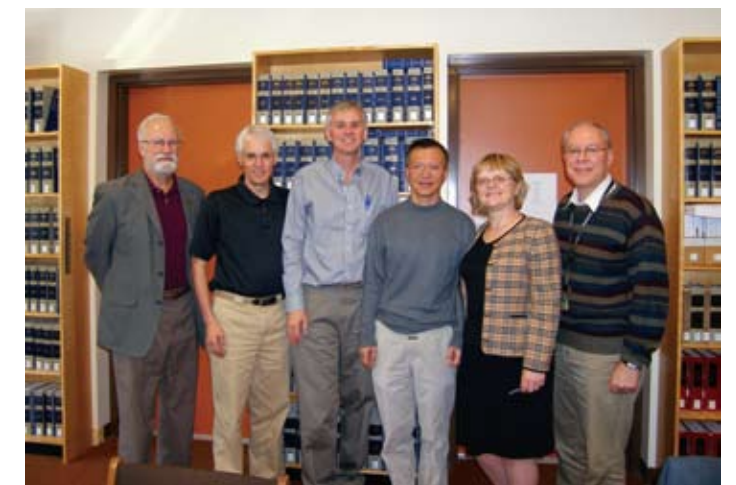
Twenty-six members of the Thai judiciary visited UVic Law in March 2009 for a seminar on criminal justice issues. They included **Mongkol Tabtieng** (Vice-President of the Supreme Court), **Wattanachai Chotechutrakul** (Vice-President of the Supreme Court), **Cheep Jullamon** (Chief Judge of the Criminal Court) and **Wirat Chinwinigkul** (Justice of the Supreme Court).

The Honourable Claire L'Heureux-Dubé, former justice of the Supreme Court of Canada, took part in a lively Q&A session with students in September 2009 (at the invitation of the UVic chapter of Pro Bono Students Canada). **The Honourable Michel Bastarache**, former justice of the Supreme Court, made a presentation on *Constitutional Advocacy* in October 2009. The noted

scholar, author, businessman and law professor is Counsel at the firm of Heenan Blaikie LLP.

University of Northern B.C. history professor **Jonathan Swainger** delivered the 2009 Hugh Alan Maclean Lecture in Criminal Law and Legal History in November 2009. His presentation was entitled *Empire and Order: Crime and Community Identity in British Columbia's Peace River Country*.

Other scholars and guests who visited from May 2008 to the fall of 2009 included: **Leslie Baskerville** ('02, B.C. Ministry of Attorney General, Criminal Justice Branch), **Richard Bauman** (University of Alberta), **Rajeev Bhargava** (University of Delhi), **Dr. Edward Blake** (forensic biology consultant), **Joselyn Byrne** ('89, B.C. Crown Attorney), **Eamonn Callan** (Stanford University), **Angela Campbell** (McGill University), **Keith Carlson** (University of Saskatchewan Department of History), **Patricia Conlan** (University of Limerick), **Vicky Conway** (University of Limerick), **Sean Cooney** (University of Melbourne), **Joyce Dewitt Van Oosten** (Ministry of Attorney General, B.C. Criminal Justice Branch), **David Engel** (State University of New York at Buffalo), **Robert Farvolden**



Visiting Professor Qianfan Zhang (centre, in grey sweater) presented a faculty seminar in October 2009

('83, in practice in Victoria), **Douglas Harris** (University of British Columbia), **Michael Head** (University of Western Sydney), **Hudson Janisch** (University of Toronto), **Darlene Johnston** (University of British Columbia), **Per-Olof Jonsson** (International Health Co-operative Organization), **Stacey Lambert** (Centre for Asia-Pacific Initiatives), **Don Lidstone** (Lidstone Young Anderson), **James Lockyer** (founding director of the Association in Defence of the Wrongly Convicted), **Jocelyn Macdure** (Université Laval), **Patrick Parkinson** (University of Sydney), **Grace Pastine** (B.C. Civil Liberties Association), **Karen Pearlston** (University of New Brunswick), **Apirat Petchsiri** (Chulalongkorn University, Bangkok), **Dick Pound, Q.C.**, (former vice-president of the International Olympic Committee, partner with Stikeman Elliott LLP), **Constable John Price** (Saanich Police Department), **Mark Redgwell** ('03, Prisoners' Legal Services), **Arthur Ripstein** (University of Toronto), **Lawrence Rosen** (Princeton University), **Stuart Rush** (Rush Crane Guenther), **David Scott** (Columbia University), **Seana Shiffrin** (UCLA), **Quentin Skinner** (Cambridge University), **Belinda Smith** (University of Sydney), **Maria Tam** (Working Group on Overseas Community, the Basic Law Promotion Steering Committee of the Hong Kong Special Administrative Region Government), **Annis May Timson** (University of Edinburgh), **Michael Tsur** (Hebrew University of Jerusalem College of Law), **Constable Rob Warren** (Saanich Police Department), **Karen Whonnock** (former Colville Tribal Court judge) and **Simon Young** (University of Western Australia).



Clockwise from top left: Gary Korpan ('81); Law Librarian Neil Campbell and Mary Mouat ('87); Rob Botterell ('92) and Dean Donna Greschner; Professor Hamar Foster, Professor Gillian Calder, Professor Emeritus John McLaren and Professor Andrew Petter ('81); Professor Gillian Calder and Virginia Mathers



Photographs by: Sharon Tiffin and Thomas Winterhoff

Photograph by: Thomas Winterhoff

Heather Raven Appointed Associate Dean

By Thomas Winterhoff

On May 15, 2009, D. Heather Raven was appointed as UVic Law's Associate Dean Academic and Student Relations for a three-year term.

Raven brings many years of experience to the office, having served with distinction in a number of roles within the Faculty, the university and the community. A dedicated and well-respected instructor, Heather has taught first-year, upper-year and clinical program students in the areas of Labour Law, Employment Law, Contracts, and Secured Transactions Law. She has also served on numerous committees and was active in several university-wide initiatives, including terms as Diversity Advisor to the Vice-President Academic & Provost's University Human Rights Committee and the LE,NET Project.

Raven attended the University of British Columbia, where she earned a B.A. in 1982 and an LL.B. in 1985. She was called to the Bar of British Columbia in 1987 and practised employment law and labour law in Vancouver before joining the Faculty in 1992, becoming the first full-time Indigenous faculty member at UVic Law.

"Law school is a demanding and challenging academic discipline that is exciting and highly rewarding," says Raven. "One of the most satisfying aspects of my teaching career is helping students realize their full potential to succeed in all facets of their legal studies."

Raven is a member of the Brokenhead Ojibway First Nation. She was instrumental in the creation of the law school's Academic and Cultural Support Program, which provides invaluable assistance to all students and especially supports the aspirations of First Nations students.

As a member of the B.C. Bar, Raven is highly regarded throughout the province for her ongoing volunteer work with community organizations. She has served on the boards of the British Columbia Police Commission, the British Columbia Public Service Appeal Board, Canadian Journal of Women and the Law and the Law Foundation of British Columbia. She currently serves on the Honourary Governors' Council of the Vancouver Foundation and on the board of the Victoria Foundation.

Raven is enjoying the opportunity to enhance the educational experiences of UVic Law students.

"As Associate Dean, I intend to continue providing practical support, advice and encouragement to help students achieve their academic, career and personal goals."



Heather Raven, Associate Dean Academic and Student Relations

Thanks to Kim Hart Wensley



Kim Hart Wensley

Heather Raven took over the Associate Dean's post from Kim Hart Wensley (Class of 1993), who was named Associate Vice-President, Faculty Relations and Academic Administration with the University of Victoria's senior administration.

Hart Wensley had been a UVic Law faculty member since 2000. She made a tremendous contribution to the law school over the course of nine years, including serving as Associate Dean Academic and Student Relations and earlier as the Southern Director of the Akitsiraq Law School program.

Photographs by: Sharon Tiffin

FACULTY UPDATES

ELIZABETH ADJIN-TETTEY began her term as Associate Dean Administration and Research on January 1, 2010. She was named the winner of the 2009 Charles D. Gonthier Fellowship, awarded by the Canadian Institute for the Administration of Justice for her project "The Discriminatory Impact of Application of Restitutio in Integrum in Personal Injury Claims". She was also the recipient of the 2009 Fraser Milner Casgrain Summer Fellowship for her project "Does the Materiality Requirement for Non-disclosure and Misrepresentation in Insurance Contracts Protect the Interests of the Insured?" and a Law Foundation of British Columbia Legal Research Grant for her project on genetic discrimination in insurance contracts. She co-authored (with Jamie Cassels) *Remedies: The Law of Damages*, 2nd Ed. (Irwin Law, 2008). She also published "The Marginalizing Effect of Deductibility of Welfare Benefits" in the *Supreme Court Law Review*. Professor Adjin-Tettey made presentations at various workshops and conferences over the past year, including the Association for the Study of Law, Culture and Humanities Conference in San Francisco, the Law and Society Conference in Montreal and the Canadian Association of Law Teachers Conference in Ottawa. She was also invited to present a paper on "Race and Gender Issues in Civil Damages" at a conference organized by the National Judicial Institute in Halifax. She is currently serving as a member of the Law Program Committee of the Women's Legal Education and Action Fund (LEAF).



ADJIN-TETTEY

BENJAMIN BERGER ('02) was awarded his doctorate by Yale University and has continued to write extensively in the field of law and religion, as well as in criminal and constitutional law and theory. A recent piece published in the *Canadian Journal of Law and Jurisprudence*, entitled "The Cultural Limits of Legal Tolerance", carried on his work addressing the interaction of Canadian constitutionalism and religious difference. A piece entitled "White Fire: Structural Indeterminacy,

Constitutional Design, and the Constitution Behind the Text", published in the *Journal of Comparative Law*, examined and compared the unwritten elements of the constitutional traditions in both Canada and the United States,



BERGER

drawing out more general implications for the way we think about constitutions. In the criminal law and evidence realm, Professor Berger contributed a chapter entitled "A Due Measure of Fear in Criminal Judgment" to a volume in honour of Justice Bertha Wilson (*Reflections on the Legacy of Bertha Wilson*) and he has written new chapters on the law of privilege and public interest immunities for McWilliams' *Canadian Criminal Evidence*. Along with Professor Hamar Foster and Professor Andrew Buck, he co-edited *The Grand Experiment: Law and Legal Culture in British Settler Societies*, a volume of essays published in the fall of 2008 by UBC Press. He travelled to Israel to participate in an international workshop on constitutionalism and criminal law, and visited the University of Limerick, University College Dublin. He also visited McGill University to present papers at legal research and theory workshops. Benjamin designed and offered UVic law's first course on Law and Religion in the fall of 2008 and was the coach of the school's 2008-09 Gale Moot Team.



CALDER

three recent international conferences: *Masks: Law and Theatre Conference* (UBC); *Legal Cultures and Cultures of Legal Education* (McGill) and *Pedagogical Encounters* (Carleton) and to

GILLIAN CALDER's work on critical legal pedagogy and, in particular, the use of political theatre in the teaching of law has been the focus of much of her recent research work and travel. She was invited to present at

discuss her research with faculty members at the University of Alberta and the University of British Columbia. This work has led to three publications on performance, pedagogy and law in the *Australian Feminist Law Journal* (2008); *Canadian Legal Education Annual Review* (2008); and *Masks: An Online Journal for Law and Theatre* (2009). She is also thrilled that her article "Penguins and Polyamory: Using Law and Film to Explore the Essence of Marriage in Canadian Family Law" will be published in the *Canadian Journal of Women and the Law*, but she hopes that people will continue to send her any and all penguin paraphernalia that they find on their travels. Professor Calder was recently a visiting scholar in legal theory at Emory University in Atlanta and received a McCormick Fellowship as a visiting scholar at the University of Edinburgh in June 2009. Calder completed her term as president of the Canadian Association of Law Teachers in 2009 and was also honoured with the 2009 Terry Wuester Teaching Award.

HAMAR FOSTER has been preoccupied with British Columbia of late. He was a member of the steering committee for the 2009 B.C. Studies Conference at UVic, "Space and Place in British Columbia". He is co-editing (with Wes Pue of UBC and colleague John McLaren) a special edition



FOSTER

of *BC Studies* on the 100th anniversary of the B.C. Court of Appeal and was involved in the making of a Knowledge Network video about the Court that will mark its centenary. Professor Foster's 1999 essay, "Honouring the Queen's Flag: A Legal and Historical Perspective on the Nisga'a Treaty", was selected last year as one of the articles to be audio-recorded in commemoration of the 40th anniversary of BC Studies. He is also the co-editor of two books. *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights*, co-edited with UVic Law colleagues Jeremy Webber and Heather Raven, was published by UBC Press in 2007. *The Grand Experiment: Law & Legal Culture in British Settler Societies*, co-edited

with UVic Law colleague Ben Berger and Andrew Buck of Macquarie University in Australia, was published by the same press in 2008. Over the past year, Professor Foster has given a number of talks, including one at the National Judicial Institute's annual B.C. Supreme Court Education Seminar on the history of that Court. He also gave the "after dinner" speech at the annual judicial conference of the Provincial Court of B.C. at Government House, on the light and darkness in the career of B.C.'s first legally trained judge, Sir Matthew Baillie Begbie. Professor Foster continues to serve as a member of the Law Society of British Columbia's Independence & Self-Governance Advisory Committee. He rows with the Victoria City Rowing Club and serves as a member of its board (elected in 2008). He also has an old but trusty sailboat.

JUDY FUDGE, Lansdowne Chair in Law, was awarded the Bora Laskin National Fellowship on Human Rights by the Social Sciences and Humanities Research Council (SSHRC) for her project "Labour Rights as Human Rights: Unions, Women and Migrants Workers". Professor Fudge will spend some of her fellowship leave at the Centre for Human Rights & Legal Pluralism (www.mcgill.ca/humanrights/) at McGill University, at the International Labour Organization in Geneva and at the European University Institute in Florence. In March 2009, she gave the Windsor Yearbook Access to Justice Distinguished Lecture at the University of Windsor Law School, entitled "Brave New Words: Labour Rights and The Charter". Since September 2009, Professor Fudge has presented at conferences in South Africa, the United Kingdom and the United States on the topic of "Equality and Work and Labour Rights as Human Rights". In 2010, a collection of essays (co-edited with Eric Tucker) called *Work on Trial: Cases in Context* will be jointly published by Irwin Publisher and the Osgoode Legal History Society. This collection results from a workshop supported by the Social Sciences and Humanities Research Council that was held at the University of Victoria in June 2008, which provided background stories for leading cases in employment and labour law.

DONALD GALLOWAY was elected president of the Canadian Association for Refugee and Forced Migration Studies. In this capacity, he co-organized the association's annual conference at the University of Ottawa in June 2009, on the theme of *Forced Migration and Shifting Borders*. At the same conference, he delivered a paper entitled "Refugees from Liberal Democracies". Donald is also a member of the management committee of a

network of scholars that was awarded a \$2 million grant by the Social Science and Humanities Research Council (SSHRC). The Refugee Research Network (RRN) aims to improve the well-being of refugees and forced migrants around the world by: expanding awareness of the global knowledge regime concerning refugee issues and forced migration; improving communication concerning this knowledge within and between academic, policy-making and practice sectors in the Global South and North; and contributing to alliance-building and active policy involvement in the development of national and international policy frameworks and humanitarian practices affecting refugees and forced migrants. In November 2008, Professor Galloway was a UVic exchange visitor at the University of Limerick, where he presented a seminar on refugee law.

MARK GILLEN delivered a series of seminars on Canadian corporate law at Doshisha University in Kyoto, Japan in December 2007. He took some time off work from mid-May to mid-July of 2008 to ride his bicycle across Canada. In December 2008, he taught a course on securities regulation in the English-language Masters of Law program at Kyushu University in Fukuoka, Japan. In the spring of 2009, he delved into a new subject area by teaching Competition Law for the first time. In August 2009, Professor Gillen returned (for a tenth time) to Bangkok, Thailand to teach securities regulation in the English-language Masters of Law program at Chulalongkorn University in Bangkok, Thailand. He recently completed a book entitled *The Law of Trusts* for the Canadian branch of the Society of Trusts and Estates Practitioners (STEP Canada). The book will be used in a course offered by STEP Canada. He also recently had an article published in the *Singapore Economic Review* entitled "Using Economic Analysis to Provide Legal Advice: An Example Involving Business Income Trusts". Professor Gillen is currently working on the fourth edition of *Waters' Law of Trusts in Canada* and will then turn his mind to a fourth edition of *Securities Regulation in Canada*.

ANDREW HARDING is UVic Law's Professor in Asia Pacific Legal Relations and Director of UVic's Centre for Asia-Pacific Initiatives (CAPI). He has been working on major publications and conferences over the past year. The Hart Publishing series entitled *Constitutional Systems of the World* (Andrew Harding and Peter Leyland, general editors) has two books published, one at the press and another 21 commissioned — including a book on Canada by Professor Jeremy

Webber, our own Canada Research Chair. UVic Law Professor Benjamin Berger ('02) is an associate editor for this series. Professor Harding has also edited and contributed to a collection of articles on constitutional courts, which is in press with the *Journal of Comparative Law* as a special issue. He has recently co-edited (with Dr. Pip Nicholson of Melbourne University Asian Law Centre) the papers from CAPI's 2007 conference on New Courts in the Asia-Pacific Region, now in press with Routledge. Professor Harding has also been collaborating with Professor Connie Carter of Royal Roads University on a project on Special Economic Zones in Asian Market Economies (SEZAME), which had its first conference at Kyushu University in Japan in February 2009. He also organized a conference on law and society in Thailand, which took place at UVic in March 2009.

KIM HART WENSLEY ('93) left her position as Associate Dean Academic and Student Relations with the Faculty of Law (a post she held for three and a half years) at the end of February 2009, to accept the position of Associate Vice-President, Faculty Relations and Academic Administration with the University of Victoria's senior administration. She began her new duties on March 1, 2009. Kim was a UVic Law faculty member since 2000 and she made a tremendous contribution to the law school over the past nine years. Her tireless efforts on behalf of the Faculty were greatly appreciated by the entire UVic Law community.

ROBERT HOWELL was appointed in September 2008 as the University of Victoria's director on the board of the British Columbia Law Institute (BCLI) for a five-year term. He is a member of the institute's Projects Committee and the Real Property Reform Committee. In October 2008, the BCLI and the Boughton Law Corporation hosted the first annual "Boughton/BCLI Great Debate" in Vancouver. The topic was: "Resolved that copyright law has no place in the

modern world". Professor Howell partnered with UVic alumnus and Boughton partner Tony Wilson as they argued in support of the motion and won the debate by a close margin. Wilson and BCLI executive director Jim Emmerton visited UVic Law in March 2009 for the trophy presentation. Professor Howell's recent publications include: "Depreciation of Goodwill: A 'Green Light' for Dilution from the Supreme Court of Canada in an Accommodating Infrastructure" 17(3) *Transnational Law and Contemporary Problems* (U. of Iowa, 2008); and a book chapter (with Roch Ripley) entitled "The Interconnection of Intellectual Property and Cultural Property ('Traditional Knowledge')" in *Protection of First Nations Cultural Heritage*, eds. Catherine Bell and Robert Paterson (UBC Press, 2009).

REBECCA JOHNSON continues to pursue her research interests in law and film. As treasurer for the Association for the Study of Law, Culture and the Humanities, she was part of a feature panel on Law and the Humanities at the American Association of Law Schools, which met in San Diego in January 2009. Her paper, "Living *Deadwood*:



JOHNSON

Imagination, Affect, and the Persistence of the Past", is forthcoming in the *Suffolk Law Review*. Amongst her forthcoming articles is a French piece on dissent and the film *Minority Report*, "Droit, cinema et doute", written with Quebec scholars Marie-Claire Belleau and Valérie Bouchard. Professor Johnson and UVic colleague Professor Gillian Calder are also happily occupied in editing a special issue of the *Canadian Journal of Women and the Law*, on "Law, Film and Feminism". Johnson and Calder also spoke at the closing plenary of the March 2009 conference organized around the 10th anniversary of the *Jane Doe vs. Metro Toronto Police Commissioners* case. Professor Johnson continues to work on a collaborative project on judicial dissent with Marie-Claire Belleau, publishing two articles on the opinions of Justice Bertha Wilson.

MAUREEN MALONEY continues to work on the Canadian Iraqi Marshlands Initiative. She is assisting a variety of stakeholders from the southern Iraq marshes (reputed to be the original Garden of Eden) to work together to devise a long-term strategic plan for the marshes region.

The work is highly complex and fascinating, although Maureen continues to struggle with Arabic! She is also working on projects in Brazil and Southeast Asia. On the domestic front, Maureen is leading a team of researchers from several disciplines in an inquiry into the effectiveness and role of Family Group Conferencing in British Columbia, funded by the Law Foundation of British Columbia. The research examines quantitative data and also involves interviews with families, children, social workers and family group co-ordinators. The first article in this series, "The Use of Narrative Methodology in Research for Family Group Conferencing", was recently published in the *American Humane Association Journal*.



MALONEY

ANDREW NEWCOMBE ('95) taught Legal Process, International Trade and Investment Law, and Contracts this past academic year, and also coached the Philip C. Jessup International Moot team. His book, *The Law and Practice of Investment Treaties: Standards of Treatment*, was published by Kluwer Law International in February 2009. Over the past year, Professor Newcombe has made presentations on various aspects



NEWCOMBE

of international investment law to audiences in Vancouver, Montreal, London and Cambridge. He was recently appointed to the editorial advisory board of Kluwer Arbitration. He continues to operate ita (<http://ita.law.uvic.ca>), a resource website on investment treaty arbitration.

MARTHA O'BRIEN published a major article in the *British Tax Review* on free movement of capital and taxation under the EU treaty and the case law of the European Court of Justice. At the Deloitte's Tax Policy Symposium in Toronto in August 2008, she presented her paper on the Canadian tax implications of the EU tax law, forthcoming in *Canadian Tax Journal*. She also published an analysis of a recent Canadian corporate tax case in *Canadian Tax Journal*. Her work on the EU's trade

relations with its Mediterranean neighbourhood (published in *Current Politics and Economics of Europe*) was presented to an international workshop hosted by UVic in January 2009, on the southern and eastern enlargement of the EU. She presented the national report for Canada at the annual congress of the European Association of Tax Law Professors in Santiago de Compostela in June 2009, a comparison of the investment and tax law rulings of the European Court of Justice (ECJ) at a workshop sponsored by the EU-Canada



O'BRIEN

Transatlantic Dialogue strategic research cluster (SSHRC) in Vancouver in April, and in Berlin in June. As for teaching, the new advanced tax course in international taxation (Law 346B) was offered for the first time in the spring of 2009. Cheyenne Reese ('05) gave a guest lecture on U.S. gift and estate tax issues for Canadians to the international tax law class in February 2009.

ANDREW PETTER was a scholar-in-residence at the Rockefeller Foundation Center in Bellagio, Italy in the fall of 2008. While in Italy, he lectured on Canadian constitutional law at Bocconi University in Milan and delivered a seminar on the quest for legitimacy of judicial review under the *Canadian Charter of Rights and Freedoms* at the Center for Constitutional Studies and Democratic



PETTER

Development in Bologna. Professor Petter's recent publications include articles on the federal spending power, which appeared in the *Queen's Law Journal*, and on the need for democratic reform in Canada, which appeared in the *Journal of Parliamentary and Political Law*. A chapter on the legalisation of politics under the Charter was published in 2009 in *Contested Constitutionalism: Reflections on the Charter of Rights and Freedoms* (James B. Kelly and Christopher P. Manfredi, eds., UBC Press).

ANDREW PIRIE presented a paper on Alternative Dispute Resolution in the Courts at an international conference in Abu Dhabi, United

Arab Emirates, in October 2008 (sponsored by the UAE Minister of Justice). Judges from around the region attended and academics from around the world shared views on developing court systems. Professor Pirie also coached the UVic Law team in the ABA Client Counselling Competition



PIRIE

held at the Gonzaga University law school in Spokane, Washington, where the team performed extremely well. The seventh edition of his co-edited book *The Civil Litigation Process* was published by Emond Montgomery in September 2009.

Professor Pirie began a six-month sabbatical on July 1, 2009, during which he planned to present a paper at the World Mediation Forum conference in Venezuela.

CHRIS TOLLEFSON ('85) took a six-month study leave in 2008, published two books over the past 12 months and led a research team that won a national funding competition to support innovative, interdisciplinary, environmental policy research. In the fall of 2008, he spent



TOLLEFSON

a month in South Africa and met with law faculty colleagues in the Western Cape area. Chris marked the launch of *Setting the Standard: Governance, Certification and the Forest Stewardship Council* (UBC Press, 2008) by giving a plenary address to the

Forest Stewardship Council's General Assembly in Cape Town. This book considers the implications of environmental certification for regulation and governance. Professor Tollefson is the principal

investigator for an international research team that recently received funding from the Social Sciences and Humanities Research Council (SSHRC) to undertake a comparative examination of new governance arrangements for sustainable resource management. He co-authored (with Professor Meinhard Doelle of Dalhousie Law School) a new environmental law textbook that is being used in many Canadian law schools this fall: *Environmental Law: Cases and Materials* (Carswell, 2009). Other recent publications include: "Tears from an Onion: Layering, Exhaustion and Transformation in B.C. Land Use Planning Policy" Policy and Society (2009) (with T. Thielmann); and "Costs in Public Interest Litigation: Recent Developments and Future Directions" (2009) 35 *Advocates Quarterly* 181-201. Professor Tollefson remains closely involved in UVic's Environmental Law Clinic program as executive director of the Environmental Law Centre.

Faculty Awards and Achievements

By Thomas Winterhoff

Several UVic Law faculty members have been recognized with prestigious awards and fellowships in recent months.



ADJIN-TETTEY

Professor **ELIZABETH ADJIN-TETTEY** received the 2009 Charles D. Gonthier Research Fellowship. She has been examining discriminatory factors and marginalization issues that may affect personal injury claims and remedies within the Canadian legal system.



CALDER

Professor **GILLIAN CALDER** was recently a visiting scholar in legal theory at Emory University in Atlanta and received a McCormick Fellowship as a visiting scholar at the University of Edinburgh in June. Calder, who also just completed her term as president of the Canadian Association of Law Teachers (CALT), was honoured with the 2009 Terry Wuester Teaching Award this spring.



DECKHA

Professor **MANEESHA DECKHA** was named the 2008-09 Fulbright Visiting Research Chair in Law and Society at New York University. The prestigious appointment acknowledged Deckha's research and teaching achievements and allowed her to conduct research for a forthcoming book investigating the rights of animals under the law.

Professor **JUDY FUDGE** received the 2009 Bora Laskin National Fellowship in Human Rights Research by the Social Sciences and Humanities Research Council (SSHRC) for her project "Labour Rights as Human Rights: Unions, Women and Migrants Workers". The fellowship provides \$55,000 in funding and covers the period of July 1, 2009 to June 30, 2010. Professor Fudge will spend some of her fellowship leave at the Centre for Human Rights & Legal Pluralism at McGill University, at the International Labour Organization in Geneva and at the European University Institute in Florence.



TOLLEFSON

Professor **CHRIS TOLLEFSON** received funding from the 2009 SSHRC Research Development Initiative for an interdisciplinary research project looking at the emergence of new forms of governance and their implications for sustainable management of natural resources.

DOUGLAS JOHNSTON was posthumously awarded the 2009 ASIL Certificate of Merit for his last book (*The Historical Foundations of World Order: The Tower and the Arena*) and in recognition of his lifelong body of work. Johnston was named a professor at UVic Law in 1987 and was a highly respected academic. In later years, he was honoured as a Professor Emeritus of the Faculty of Law.



A year-long construction project has resulted in a spectacular new library facility



Architect's rendering courtesy of Chow Low Hammond. Photographs by Thomas Winterhoff

Library Reaps "Digital Dividend"

By Thomas Winterhoff

Anyone who visited the Fraser Building over the past year couldn't help but notice the sound of jackhammers coming from the Diana M. Priestly Law Library. The reconfiguration and "repurposing" of the law library integrates cutting-edge digital technology to accommodate changing methods of legal education.

Law Librarian Neil Campbell says that patrons definitely experienced "a wow factor" when they saw the newly renovated library for the first time.

"It is different physically from what they've been used to," he says. "It is a more dynamic, comfortable and engaging space for all users."

From the moment its doors first opened in 1980, the Priestly Law Library has ably served the needs of law students, faculty members and British Columbia's legal community, offering access to a comprehensive collection of legal texts, journals and research databases. With many resources now available electronically, however, there's less need to store printed books. This "digital dividend" has allowed the law library to reduce the space it devotes to shelving while still maintaining high levels of service.

Features of the renovation include: improved access to librarians and resources through an "information commons" area; more space for graduate students and clinical programs; additional group study and quiet seating areas; reconfigured classrooms; an upgraded computer lab; and new furnishings. Members of the local Bar also have better access to research materials, including the reserve collection.

"The redesigned library is a tremendous asset to the Faculty of Law, its students and the larger legal community," says UVic Dean of Law Donna Greschner. "The redesigned spaces and technological improvements will serve everyone well for many years to come."

Co-ordinating a major construction project within a busy law school was certainly not without its challenges. The contractors and architects (Chow Low Hammond of Victoria) worked closely with the Faculty of Law to minimize disruptions during the 2008-09 academic year. Campbell says the library staff were "amazing" and are delighted with the final result.

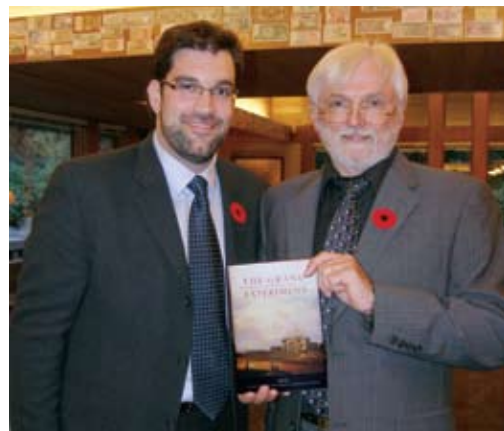
Greschner says that everyone who has been involved in the library renovation has contributed to its success.

"UVic Libraries and the University of Victoria firmly believe in this much-needed renovation and they have been outstanding supporters," says Greschner. "The repurposing of the law library would not have been possible without their ongoing assistance, collaboration and encouragement."

The Law Foundation of B.C. was a major financial contributor to the project and offered tremendous support from the very beginning, as did the University of Victoria and UVic Libraries.

"Special thanks are also due to former law dean Andrew Petter, who worked diligently on the initial stages of this project prior to my arrival at UVic," says Greschner. "The project mirrors founding law dean Murray Fraser's original concept for the Faculty of Law. It's a place where students, staff and faculty members can work together to build community."

For more information about the renovation of the Diana M. Priestly Law Library, contact Anne Pappas at apappas@uvic.ca or 250.721.8025.



Professor Benjamin Berger (left) and Professor Hamar Foster celebrate the publication of their newest book

Congratulations to Our Professors in Print

UVic Law professors have been prolific publishers over the past year. These exceptional scholars share their academic knowledge and insights with UVic Law students and colleagues, and their international connections have resulted in many books that are co-authored or co-edited with colleagues at other institutions around the world.

Further information about many of the authors and editors listed below can be found in the “Faculty” section of the UVic Law website at www.law.uvic.ca. (Please note that some of the books listed below were co-authored or co-edited with colleagues at other institutions.)

The Grand Experiment: Law and Legal Culture in British Settler Societies

Hamar Foster, Benjamin L. Berger ('02) and A.R. Buck, eds.
UBC Press, June 2008

Annual Review of Criminal Law 2008

Gerry Ferguson and Steve Coughlan
Carswell, August 2009

Canadian Criminal Jury Instructions, 4th ed.

Gerry Ferguson, Mr. Justice Michael Dambrot and Madam Justice Elizabeth Bennett
Continuing Legal Education Society of B.C., November 2008

Constitution Reform: Comparative Perspectives

Andrew Harding and Thawilwadee Bureekul, eds.
King Prajadhipok's Institute, March 2009

Salt Water Neighbors: International Ocean Law Relations between the United States and Canada

Ted L. McDorman
Oxford University Press, January 2009

The Future of Ocean Regime-Building: Essays in Tribute to Douglas M. Johnston

Ted L. McDorman, Susan Rolston and Aldo Chircop, eds.
Martinus Nijhoff Publishers, February 2009

Law and Practice of Investment Treaties: Standards of Treatment

Andrew Newcombe and Lluís Paradell
Kluwer Law International, February 2009

Student Edition of the Income Tax Act

Martha O'Brien and Arthur Cockfield
Carswell, August 2009

Setting the Standard: Certification, Governance and the Forest Stewardship Council

Chris Tollefson ('85), Fred Gale and David Haley
UBC Press, August 2008

Environmental Law: Cases and Materials

Chris Tollefson ('85), Meinhard Doelle
Carswell, June 2009

The Law of Trusts

Mark Gillen
STEP Canada, September 2009

Public Philosophy in a New Key Volume I: Democracy and Civic Freedom

James Tully
Cambridge University Press, December 2008

Public Philosophy in a New Key Volume II: Imperialism and Civic Freedom

James Tully
Cambridge University Press, December 2008

Decades of Service to UVic Law

The Faculty of Law celebrated significant milestones for three staff members in 2008, as faculty members and fellow staff gathered to acknowledge their many years of exceptional service to the law school and commitment to its students.

- Faculty Secretary Rosemary Garton celebrated 25 years with the Faculty in July 2008.
- Admissions Officer Janet Person marked 20 years with UVic Law in August 2008.
- Admissions Assistant Neela Paige celebrated 20 years with the Faculty in November 2008.



Janet Person (top left), Rosemary Garton (top right) and Neela Paige (bottom) have all served the Faculty of Law with distinction and dedication

Photograph by: Thomas Winterhoff

In Memory of the Honourable William R. McIntyre



William R. McIntyre

The UVic Law community was saddened by the loss of the Honourable William R. McIntyre on June 14, 2009. The esteemed former justice of the Supreme Court of Canada was a loyal friend and supporter of the law school.

McIntyre began his career in 1941, earning an LL.B. degree from the University of Saskatchewan. He then joined the army, serving with the 1st Canadian Division in Europe during the Second World War. He married his wife Mimi in England in 1944 and their daughter Elizabeth was born the following year. McIntyre brought his family back to Canada at the war's end and the couple settled in Victoria, where they welcomed the birth of their son John three years later.

After being called to the Bar in both Saskatchewan and British Columbia in 1947, McIntyre embarked on a long and extraordinary legal career. He practised law in Victoria for 20 years and was then appointed to the B.C. Supreme Court. Six years later, he was named to the B.C. Court of Appeal. Justice McIntyre was then appointed to the Supreme Court of Canada in 1979 and served with distinction in that role until his retirement in 1989. He was an Honorary Professor at UVic Law and was presented with an honorary doctorate by the University of Victoria in 1995.

During his decade at the Supreme Court of Canada, Justice McIntyre chose nine UVic Law alumni to clerk for him: Wendy Rubin (1978-79), R. Vick Farley (1980-81), William Murphy-Dyson (1982-83), Lauri Ann Fenlon (1983-84), Martha O'Brien (1984-85, currently an Associate Professor at UVic Law), Peter Behie (1985-86), Ron Skolrood (1986-87), Frank Falzon (1987-88) and Sandra Foweraker (1988-89).

Professor O'Brien remembers McIntyre with fondness and appreciates the efforts he made to enhance the legal skills of all the UVic Law graduates who clerked for him.

“We felt lucky to work with him,” says O'Brien. “He gave us lots of responsibility, he read our memos, he spent time with us discussing cases and working on judgments, and he was dedicated to teaching us about the law. His view was that judges must not be afraid to make difficult decisions; they must resolve the issues in the case before them, they should write clearly and succinctly, and they should not try to anticipate future cases but leave those for resolution on their own facts and merits.”

The William R. McIntyre Award was established in 1990 upon the judge's retirement and return to Victoria. It recognizes the special relationship that Justice McIntyre shared with the UVic Faculty of Law. This award has been presented annually to graduating students who have exhibited an exemplary dedication to community service, student leadership and academic excellence during their legal studies.

Justice McIntyre's contributions to Canadian law and this country's legal community were remarkable. His long-standing association with UVic Law clearly demonstrated his commitment to legal education. His support has benefited innumerable students, alumni and faculty members. He will be greatly missed.

Past recipients of the William R. McIntyre Award:

Jennifer Harry (1990)
Patricia Osoko (1991)
Margaret Currie (1992)
Lori Assheton-Smith (1993)
Joanna Harrington (1994)
Freya Kodar (1995)
Andrew Matheson (1995)
Helen Cheng (1996)
Bonnie Leonard (1996)
Nicole Rhodes (1997)
Errin Poyner (1997)
Matthew Pollard (1998)
Jason Roth (1999)
James Nelson (2000)
Deirdre Sheehan (2001)
Eli Gedaloff (2002)
Lindsay Cader (2003)
Karrie Wolfe (2003)
Emily Drown (2004)
Raewyn Brewer (2005)
Jennifer Bond (2006)
Devyn Cousineau (2006)
Jennifer Raso (2007)
Rachel Forbes (2008)
Lina Rahman (2008)
Karen Ameyaw (2009)
Rashida Usman (2009)

Photograph by: UVic Photo Services

UVic Law Events in 2008 and 2009

Donna Greschner began her term as Dean in July 2008 and has been an integral part of numerous UVic Law events ever since.



Counterclockwise from top left:
2008 Dean's Welcome Barbecue
Legal Process panel on homelessness with guests Ted Hughes, Dean Fortin and Catherine Boies Parker
Dean Greschner meeting members of the Thai judiciary on a visit to UVic Law
Dean Greschner and Professor John Borrows (currently on leave from the Faculty)
First Nations guests and musicians led a ceremony marking the reinstallation of the Thomas Dohm Shield



Former Supreme Court justice Louise Arbour visited the law school in September 2008



Photographs by: Sharon Tiffin, Thomas Winterhoff and Anushka Nagji

Photographs by: Anushka Nagji, Anne Mtaou, Lorinda Fraser and other contributors

UVic Law Events in 2008 and 2009

UVic Law has had many reasons to celebrate in recent months.



Citizenship and Immigration Canada held a special citizenship ceremony in the Fraser Building in April 2009



Clockwise from top right:
Professor Robert Howell and Tony Wilson (associate counsel at Boughton Law Corporation) won the 2008 Great Debate and received their trophy from B.C. Law Institute executive director Jim Emmerton
Akitsiraq Law School graduate Henry Coman ('05) was called to the Bar in 2009
Members of the Appeal editorial board, faculty members and guests celebrated the release of the 2009 issue



Val Napoleon Earns Landmark Ph.D. at UVic Law

By Moira Dann

“Every grandmother should go to law school,” says Val Napoleon. “It’s good for the grandmother and it’s good for the law school.”



Val Napoleon (left) is congratulated by Heather Raven, Associate Dean Academic and Student Relations

Val Napoleon celebrated a couple of important milestones last summer.

The 53-year-old grandmother convoked in June 2009 and is the first student to receive a Ph.D. degree from UVic Law’s Graduate Program in Law and Society since the program was established in 2004. She is also the first Indigenous student to earn her doctorate from UVic Law.

Napoleon is of Dunneza, Cree and Sauteaux heritage and is also an adopted member of the Gitksan, an Indigenous people of northern British Columbia. She officially defended her Ph.D. dissertation in April before a group of UVic examiners in the Skeena Valley community of Gitanyow, with invited members of the Gitksan First Nation in attendance. Napoleon says it was invigorating “to talk about Gitksan law in front of Gitksan people.”

Her dissertation explored and articulated the Gitksan legal order, laws and legal theory. The lens for this examination was a seminal Aboriginal land title case: Delgamuukw. As the first case of its kind in Canada, the Gitksan spent decades preparing the case, going through the initial proceedings, taking the case to the Appeal Court of B.C. and then finally bringing it before the Supreme Court of Canada in 1997.

“That was a lot of years of people being deeply engaged in something that was enormous and that mattered,” says Napoleon.

Briefly, Napoleon’s dissertation describes the Gitksan people’s legal order and law, and how they managed their society over time. This was a both a substantive and theoretical treatment of law that explored law relating to governance, kinship and families, land and resources, injuries and compensation, and relationships with

other peoples. Napoleon argues that Gitksan law, and other Indigenous law, is relevant and important today because it contains resources that are applicable to complex contemporary issues and conflicts.

Professor Jeremy Webber, the Canada Research Chair in Law and Society, was the director of UVic Law’s graduate program during Napoleon’s period of study. He says that her innovative research

is important to our understanding of the many issues involved in this fascinating field.

“The new approach treats Indigenous legal traditions as a source of normative insight themselves—something that can actually reveal insights on how society could be organized, on structures of legal ordering and on ways of accomplishing legal ordering that are grounded in quite different traditions, but have something to say cross-culturally,” he explains.

UVic Law’s research-oriented graduate studies program is a vibrant academic community of dedicated researchers and award-winning scholars, which currently has 36 graduate students enrolled in its LL.M. and Ph.D. programs. The strong interdisciplinary focus builds on the Faculty’s commitment to examining law within a wider social, historical and economic context. Napoleon was able to draw on those resources to complete her Ph.D. degree this year.

“Doctorates in law often focus on doctrinal studies of Canadian law, as opposed to legal theory or the larger questions around it,” says Napoleon. “I called on legal anthropology and a number of disciplines in order to help me develop the dissertation and conduct the research. Part of what I looked at was how people talked about Gitksan law and how people acted on Gitksan law...”



Ph.D. graduate Val Napoleon defended her dissertation in the Skeena Valley community of Gitanyow

Napoleon says she reviewed the perspectives of legal theorists, political theorists and Indigenous theorists to examine how Gitksan law might be understood by a wider audience. Much of that law is based in oral history (both formal and informal) and may also be represented in songs or artwork.

“Trained memories are (also part of) the archives of law, if it’s not written down,” she says.

Napoleon says legal scholars “have to look at what’s recorded and how it’s handed down” and then consider associated principles, legal obligations and relationships. Taken together, these traditions may inform a new way of dealing with current conflicts and issues, and provide greater insight into how they relate to the laws of Canada.

“You look to the past for those kinds of resources,” she points out, “and then you look at their application today.”

As part of her Ph.D. work, Napoleon investigated whether protracted engagement with Canadian law had undermined the Gitksan community’s own conflict management systems and also if it had an impact on the Gitksan people’s relationships with one another. Her examination of the Delgamuukw case offered fresh perspectives on the law and how it relates to First Nations peoples.

Dr. John Borrows, the Law Foundation Professor of Aboriginal Justice and Governance at UVic (currently on leave), believes that Napoleon’s research is vital to understanding how different legal traditions can work in concert.

“It brings to the mainstream of legal scholarship the existence and significance of Indigenous legal traditions for Canadian law,” explains Borrows. “In doing that, she’s really part of a movement—but at the head of it, plowing new ground—for many students.”

Borrows notes that Indigenous law can be viewed in a context that includes other legal traditions and experiences, and that today’s students are examining the impact of Indigenous law and how it

might be recognized outside of Indigenous communities.

“The law of the Gitksan people isn’t frozen in time, but continues to interact with values and laws from other communities, including the common law...” explains Borrows. “If you want to take it up as a fully modern and functioning law, you have to recognize its parallels and connections to other laws that surround it.”

The University of Victoria has long recognized the need for greater investigation and understanding of Aboriginal legal issues, which has resulted in UVic committing more resources to research and to recruiting students and academic expertise in this area.

“There’s no doubt that what’s going on at UVic is really path-breaking,” says Webber. “There’s a critical mass of Indigenous scholars across disciplines, so there’s a real variety of approaches and a variety of positions... It really makes it an incredibly fruitful place for people to study.”

The Faculty of Law is a Canadian leader in Indigenous legal education, both in this country and abroad. Napoleon taught at the law school during the 2009 Summer Session, which featured a special concentration of courses on Indigenous law. She says that taking a “trans-systemic” approach to teaching Indigenous law is often more effective than using a comparative model.

“It’s about getting students to understand that there are many ways that law is expressed,” she explains. “They can learn to be open to Indigenous law and try to draw resources from it to deal with problems.”

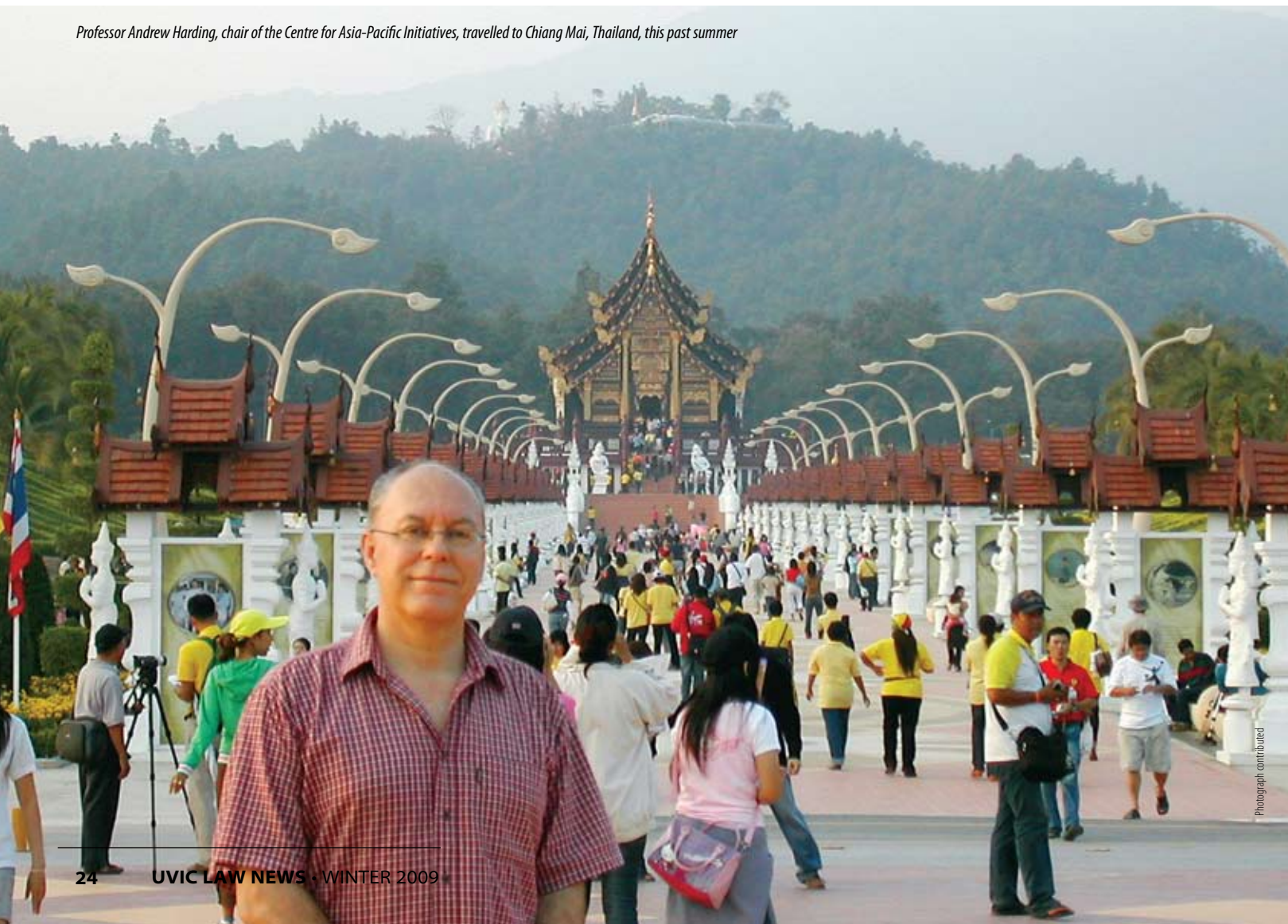
Napoleon’s doctoral achievements reflect UVic Law’s longstanding commitment to providing innovative Indigenous law programming, and have highlighted the Faculty’s ongoing efforts to encourage more Aboriginal students to study law. As the first Ph.D. recipient in UVic Law’s Graduate Program in Law and Society, Napoleon has established another milestone on that all-important journey.

Andrew Harding Strengthens Ties to Asia-Pacific Region

By Moira Dann

Canada's economic, cultural and legal relationships with nations of the Asia-Pacific region are vitally important to this country and its citizens. The University of Victoria Faculty of Law has therefore developed a wealth of expertise in international and comparative law that encompasses many of those countries.

Professor Andrew Harding, chair of the Centre for Asia-Pacific Initiatives, travelled to Chiang Mai, Thailand, this past summer



Photograph contributed

Andrew Harding is UVic Law's Professor in Asia Pacific Legal Relations and one of several UVic Law scholars who have a strong interest in Pacific Rim issues. In July 2009, he was named director of the Centre for Asia-Pacific Initiatives (CAPI), which serves as a multidisciplinary, public policy research centre and resource facility for the University of Victoria and the wider community. Professor Harding then spent part of August meeting colleagues in Singapore, since he maintains numerous academic connections with the area from his days teaching law at the National University of Singapore. The trip was an ideal opportunity for him to enhance UVic Law's existing relationships with law professors, legal scholars and members of the judiciary.

Through the efforts of Harding and other faculty members, the Faculty of Law has developed a mutually beneficial rapport with other educational institutions that support research into the legal traditions of Asian countries. They include Melbourne Law School, Leiden University, the University of British Columbia and the University of Washington — as well as law schools and legal institutions within Asia.



Dozens of senior members of the Thai judiciary visited UVic Law in 2009 to participate in workshops and tour Greater Victoria

"We have been working on our ties with leading Chinese law schools such as Beijing University, as well as the Thai judiciary," says Harding.

Professor Harding came to UVic Law from the University of London in 2004 to take over the Professor in Asia Pacific Legal Relations post from Professor Bill Neilson. One of the facets of the position that attracted Harding was the increased capacity to spend time in Southeast Asia working on his research, networking and outreach activities.

Prior to joining UVic Law, Harding worked at the University of London for 17 years as a professor and later as head of the law school, School of Oriental and African Studies (SOAS).

"It was a big change for me," says Harding of his move to Canada. "The Canadian university environment is quite different from that of the UK in many respects. This interdisciplinary position is one I find very comfortable because, working in Asian law, you really need to learn a lot about social and political contexts — not just the law."

Harding says that the students at UVic Law are "outstanding" and he is also grateful for the help he's received from academic colleagues and staff. That support has allowed him to focus on his teaching and on research projects and publications related to Southeast Asia.

CAPI has been operating for 22 years and even though it's a relatively small unit on campus, Harding says it is highly productive and very hands-on.

"Watching CAPI mobilize for a conference, a project, or a special event of some kind is really awesome to behold," he says.

The centre conducts research in a variety of areas, including Japan studies, Asian law, and Chinese politics and history. It also organizes an internship program that involves many Canadian students in important social issues in a rapidly developing part of the world.

"We project Asia into UVic, B.C. and Canada..." explains Harding. "By doing so, we also project UVic, B.C. and Canada into Asia. Over the last few years, we have been working on important law reform projects in Vietnam and Cambodia, providing training for the Thai judiciary and running several conferences."

Those gatherings have examined aspects of Asian nationalism, Zhao Ziyang, new courts in Asia and special economic zones in the region. A project exploring human migration in the Asia-Pacific region is also in the planning stages.

Clearly enthused by his topic, Harding expands on the environmental law training program he directed in 2008 for about three dozen members of the Thai judiciary. He says it's a great example of how CAPI and UVic Law can contribute to the growth of legal expertise in Asia.

"Environmental law — a huge and complex area — is growing rapidly in Thailand, but there is a knowledge deficit in the judiciary that we were able to fill to some extent. It was certainly a fascinating experience for us and for them, and it included some institutional visits as well as talks on areas ranging from international sustainable development law to B.C. forestry practices to public interest law. Much of the Canadian experience was thought-provoking for them, and we also learned much about their situation."

Thailand's judiciary has requested that a similar program on criminal justice be run in April 2010.

Research projects currently on Harding's agenda focus mainly on constitutional reform in Thailand and the legal profession in Malaysia.

"Constitutional solutions — or, for that matter, environmental justice solutions — are not immediately transferable from Canada to Thailand due to great differences in political culture and history," Harding explains.

He adds that it's not for Canadians to say how things should be done in Asia-Pacific nations, but instead "to discuss and compare across jurisdictions and legal cultures in order to understand how and why we are different and how justice can be improved."

"That constitutes the essence of my work," says Harding. "I have enjoyed a fantastic five years at UVic and I look forward to many more."



News from the Environmental Law Centre

By Chris Tollefson



Environmental Law Clinic students tour Dockside Green, a LEED Platinum development

This past year has seen extraordinary changes and uncertainty in the world. Climate change has become a defining political issue of our generation, while our political and legal systems have simultaneously been buffeted by an economic crisis of historic proportions.

In B.C., the desire to achieve a lasting reconciliation with First Nations has continued to gain momentum, opening the door to new opportunities to rethink and reform provincial land use and resource management practices.

In these challenging yet arguably opportune times, the Environmental Law Centre (ELC) is well-positioned to play a constructive role. Thanks to the continuing support of the Tula Foundation and the Law Foundation of British Columbia, ELC programs teach students how to build capacity in the public interest environment law community and offer credible and constructive visions for environmental law and policy reform. Students from across Canada come to UVic Law to prepare themselves for careers dedicated to representing worthy public interest clients and finding solutions to the complex, polycentric environmental challenges we collectively face.

Our innovative Intensive Stream clinical program, launched in the fall of 2007, has received glowing reviews (including national recognition in the annual *Corporate Knights* public interest/education report card. The ELC has also been enthusiastically profiled in *Canadian Lawyer* magazine's ranking of law schools.

We are also proud of our ELC Associates Program that was launched in 2007. This initiative, funded by the Law Foundation of B.C., brings together environmental law practitioners from throughout the province to provide mentoring to ELC students and build capacity within the public interest Bar. In September 2008, ELC Associates played a key role in mounting Canada's first-ever Continuing Legal Education conference devoted to public interest environmental law issues. On completion of their two-year appointments, our first cohort of Associates have become "ELC Fellows". A second cohort of 15 new ELC Associates is now up and running.

Photograph by: Holly Partison



ELC Intensive Instructor Deborah Curran (in yellow) and ELC student Sarah Sharp take a tour of the Dockside Green Wastewater Facility with utility operator Brent Wentz (left)

The ELC provides one of the most comprehensive public interest environmental law programs in North America. As part of our clinical program, we also offer two full-time articling positions in public interest environmental law to law graduates. These positions — of which there are only a small handful in Canada — are attracting top law graduates from across the country.

UVic Law alumni play a key role in supporting our work by serving as ELC Associates, fellows and board members. They mentor our clinical students and articling students, and act as co-counsel (with ELC staff lawyers) on many of our most interesting and challenging cases.

As our staffing complement has grown (we now have three full-time lawyers, two articling students and a para-legal/administrator position), the need for clinical space has also increased. We have seen a significant breakthrough on this front in recent months. Thanks to the efforts of the Dean of Law, the Law Librarian and a generous financial contribution from the Law Foundation of B.C., we have moved the ELC's operations into a purpose-built suite of offices in the newly renovated Diana M. Priestly Law Library.

Please visit the ELC to find out more about our work and opportunities to get involved, or visit our website at www.elc.uvic.ca.

Photograph by: Holly Partison

The ELC Clinic's Case Roster

Summer 2008 to Spring 2009 Highlights

ELC HELPS CLEAN UP COWICHAN RIVER DIESEL SPILL

ELC submissions to the Minister of Environment led to the issuing of a million-dollar order to clean up lands along the Cowichan River that had been contaminated by a five-month-old diesel spill.

PENDER ISLAND RESIDENTS GIVE THUMBS UP TO HITCHING A RIDE

The ELC produced a 40-page guide on legal and administrative issues in establishing a car stop system to help the community group Paths on Pender set up a new Car Stops on Pender program.

ADVOCATING FOR BETTER PUBLIC CONSULTATION

In response to the ELC's request for a review of the provincial government's decision to remove over 28,000 hectares of private lands from three Vancouver Island Tree Farm Licences, the Auditor General produced a report criticizing the government for the decision and launched a review of the government's approach to public consultation.

PROTECTING SPECIES AT RISK

The ELC asked B.C.'s Auditor General to investigate the provincial government's approach to identifying and protecting critical habitat of endangered species, as required by the Species at Risk Act.

CLIMATE ACTION TOOLKIT

The ELC provided assistance and direction in developing the Climate Action Toolkit (www.toolkit.bc.ca), as part of the provincial government and Union of B.C. Municipalities' Green Communities Committee Working Group on Urban Strategies and Actions. The toolkit is a comprehensive tool to assist B.C.'s local governments in developing targets and actions in their Official Community Plans, as required by legislative amendments of 2008.

Business Law Clinic in its Second Decade

By Thomas Winterhoff



Business Law Clinic students Ashley Ridyard and Kelsey O'Bray (at left) are joined by BLC director George Glover as they conduct a client interview

UVic Law's comprehensive approach to legal education offers a wide array of initiatives to enhance the learning experiences of students.

The Faculty's clinical programs include the Business Law Clinic (BLC), The Law Centre, the Environmental Law Clinic, Canada's only common law co-op program and several other programs related to public interest law.

Part of UVic Law's mandate is to give students the hands-on skills they need to practise law effectively, which is why clinical and co-operative education programs are such important — and popular — components of the school's curriculum. Students are given the opportunity to accumulate experience as they deal with very real legal issues in their community.

The Business Law Clinic is designed to dovetail with the academic and theoretical aspects of a student's legal education. Its 10th anniversary celebration in the fall of 2008 coincided with the appointment of George Glover as its new director. Glover has enjoyed an outstanding legal career and has extensive experience as a law practitioner, including general business law, governance, mergers and acquisitions, restructuring and financial institution law. He has also advised numerous boards and committees on corporate governance principles and practices.

In 2006, Glover retired as managing partner of Fasken Martineau DuMoulin LLP in Toronto and is currently Counsel to the firm. He also now concentrates on helping BLC students understand the lawyer's role in facilitating business transaction for clients — all within a clinical context. Students learn about client interviewing, problem-solving, legal research, legal analysis and ethical issues.

The BLC is sponsored in part by the law firm of Bull, Housser & Tupper. It operates in the fall, winter and summer terms and each class is limited to eight upper-year

students. In a typical year, up to 50 clients may retain the clinic to conduct research into legal issues and provide information relevant to their individual situations. Each request for assistance is reviewed by the BLC director to ensure that it will offer a good learning opportunity for students and that the file can be dealt with appropriately over the course of a single semester.

Glover was excited to take over the reins of the BLC and continue the work of former director Mary Mullens.

"I've always had an interest in continuing legal education, both at the law student level and the continuing legal education level for lawyers," explains Glover, noting that he has been a guest instructor at a number of Canadian universities and legal institutions, including UVic Law in 2007.

He thinks the BLC is important for several reasons. Apart from offering students a supervised forum to develop their practical skills, the clinic gives small businesses and not-for-profit organizations access to basic legal services at no cost. In the process, student participants are exposed to all sorts of businesses and organizations, and they also learn about marketing techniques, employee issues, contract law, international trade and other aspects of business law.

"I do emphasize that developing good people skills is fundamental to a successful practice generally, but I think it's particularly appropriate in the business law field," says Glover. He encourages students to become good listeners and to understand the issues underlying a client's questions, so they can respond appropriately as trusted advisors and advocates. That includes understanding the business, understanding the human aspect of the enterprise and also understanding the emotional aspects of client relationships.

"I think it's good to expose students to some of the unique benefits of being a business lawyer or a commercial lawyer, and acting for clients in the business field," says Glover. "It's very rewarding to help businesspeople move ahead, be successful and solve their problems, and let them get on with providing their products and services — or services to the community if it's a not-for-profit. I think that's very satisfying."

A clinical program is an important avenue for law students to gain practical experience before they graduate. Glover says that the Faculty of Law understands the value of clinical education programs and he is pleased that Dean Donna Greschner and other UVic Law faculty members support them with such commitment.

"There's a definite need for law students to be exposed to a clinical environment, where they're dealing with real clients and real issues, and are practising the skills they'll need as lawyers or effective professionals in the marketplace."

Apart from developing strong interviewing, presentation and analytical skills, students



George Glover, director of the Business Law Clinic

learn to establish good case management and docketing practices. They come to realize how important teamwork can be within a professional legal environment and also get a better sense of how law firms and other organizations work. The experience of dealing with real clients and real legal issues can be a tremendous advantage to students once they start searching for employment after graduation.

"They hit the ground running a bit more than someone who's had a more or less purely academic program," says Glover, because students with a clinical background have already had some experience dealing with clients, responding to their needs and communicating with them effectively.

Glover believes that the BLC has achieved a great deal over the past decade, but he's optimistic that it clinic will grow even more in the years to come. One possibility is for the clinic to expand its reach beyond the Greater Victoria area and offer assistance to groups elsewhere on Vancouver Island or in remote mainland communities that may not have access to such a resource.

The BLC director would also like to look at offering the clinic's knowledge and expertise to members of the First Nations entrepreneurial community.

"I want to improve the service, improve the scope and reach into business communities that are really underserved," says Glover, "and provide a richer experience for the students."



BLC students Coady McEachern and Magda Grala participate in a client information session

Law Careers Office: Connecting Students and Employers

By Alison Cowan

In May 2009, Alison Cowan joined the Law Careers Office (LCO) as the Acting Law Careers Officer during Jennifer Moroskat's maternity leave. Alison graduated from UVic Law in 2006 and practised in Victoria before taking time off to have her first child. In her role at UVic Law, Alison helps students discover which career paths are best for them, liaises with legal employers across Canada and arranges opportunities for legal professionals to come to the law school to talk directly to students about various career paths.

CONNECTING WITH THE LEGAL COMMUNITY

Throughout the year, the Law Careers Office hosts a number of speakers who have followed interesting career paths, including judges, lawyers, social justice activists, sole practitioners, consultants and government officers. One of the best forums for showcasing the many careers available to law students after graduation is our annual Career Options Night.

With many students interested in pursuing careers outside of traditional practice, Career Options Night and similar speaking events have become increasingly popular. The LCO continues to expand its resources to help students explore ways to develop their long-term career goals.

In February 2009, the LCO hosted a five-person panel discussion that was attended by over 80 students. The speakers included: Sally Campbell (self-employed mediator, facilitator and dispute resolution teacher and trainer); Calvin Helin (lawyer, author, entrepreneur and member of the Tsimshain Nation); Doug Jasinski (owner of Skunkworks Creative Group); and Cameron Ward (lawyer, entrepreneur and activist).

The Law Careers Office held two Career Options Nights in 2009 and will continue to host speakers with interesting careers who can offer advice that is relevant to the interests of current UVic Law students.

Employers interested in participating in UVic's Law Careers programming are invited to contact the LCO at careerof@uvic.ca or 250.721.8790.

Information about Career Options Night and other events can be found at www.law.uvic.ca/lco/career_events.php.

Employers can also contact our office to advertise postings for research, summer, articling and associate positions. Please contact the LCO at careerof@uvic.ca or 250.721.8790.

SERVING ALUMNI AND STUDENTS

Alumni: The Law Careers Office is staffed by professionals who are dedicated to supporting UVic Law graduates in their careers after law school. If you are interested in making a transition in your law career or just want to explore your options, our staff can assist by providing career counselling, reviewing your résumé, and exploring your interests, past work experiences, volunteer opportunities and aspirations. We also maintain a confidential alumni listserv which allows you to receive information about employment opportunities and gives you access to our password-protected, online employer database. Alumni can also get directly involved in LCO programs by volunteering to mentor current students. Please contact us at careerof@uvic.ca or 250.721.8790 for more information.

Current Students: The LCO provides professional development assistance to current law students, including advice on cover letter and résumé preparation, interview techniques, networking skills, mentor programs and one-on-one career counselling. If you are a current student and are looking for information or advice about your developing career path, please contact the LCO to make an appointment (careerof@uvic.ca or 250.721.8790) or stop by and visit us Monday-Friday, 8:30 a.m. to 4:30 p.m., in Room 140 of the Fraser Building.

NEW LCO WEBSITE

The LCO invites everyone to take a look at its new website at www.law.uvic.ca/lco. The site includes job postings for students and provides expanded resources for both students and employers. Contact Katie Macquarrie for the password at careerof@uvic.ca.

CONTACT THE LAW CAREERS OFFICE

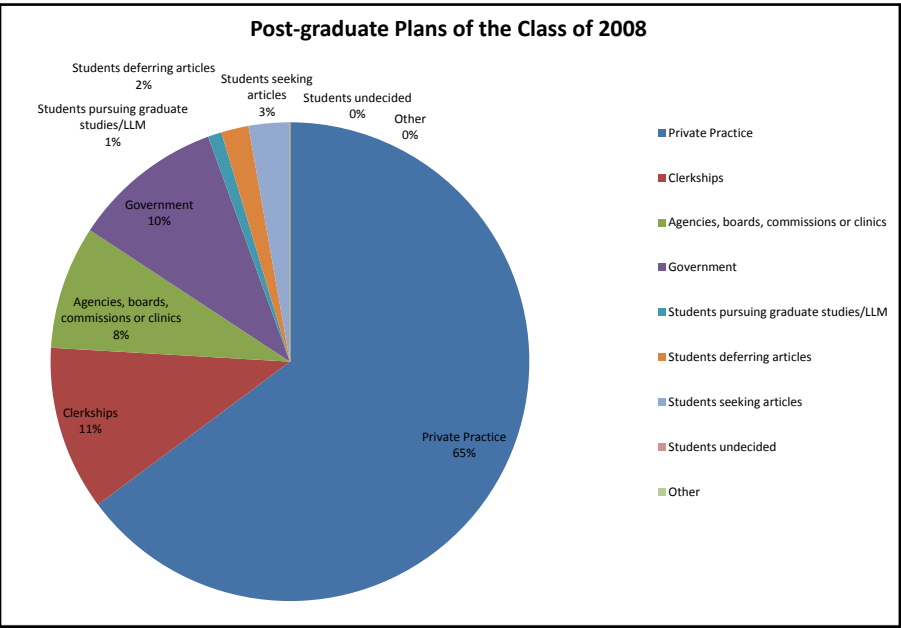
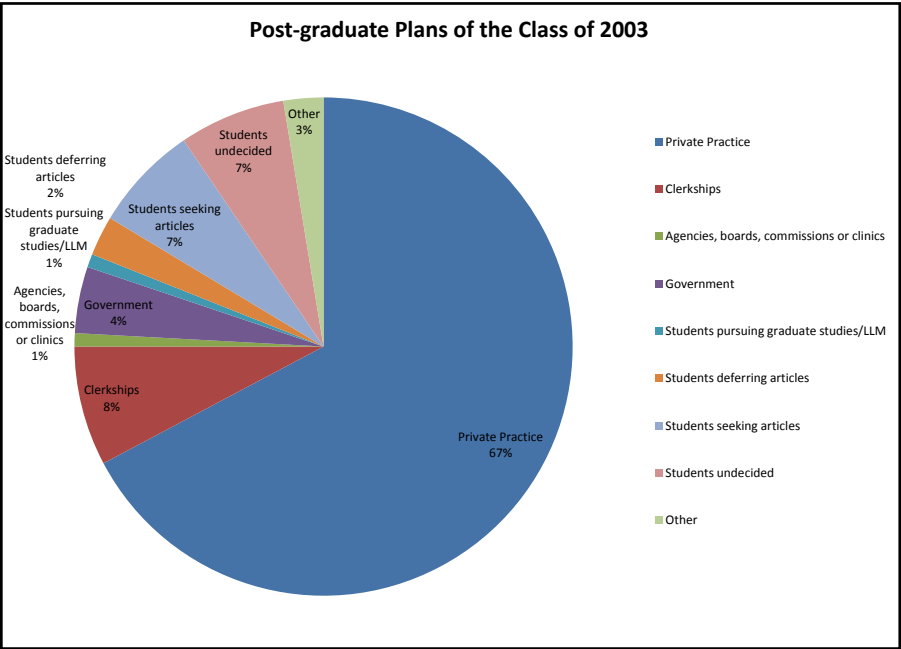
Alison Cowan, Acting Law Careers Officer
lco@uvic.ca
250.472.4719
or
Katie Macquarrie, Law Careers Assistant
careerof@uvic.ca
250.721.8790

STUDENT CAREER INTERESTS

Recent student surveys have shown changing interests amongst UVic Law students over the past few years. Although UVic Law has always attracted students who are interested in social justice issues and practising law in a way that "makes a difference", we have seen an increase in students pursuing careers outside of traditional legal practice after they graduate from law school.

This shift is due in part to a number of initiatives that have been implemented in the past few years to facilitate students' desires to build careers in these fields. For example, UVic Law has recently helped introduce the provincial Public Interest Work Placement Program (PIWPP), which is funded by the Law Foundation of British Columbia. This program funds 11 different public interest organizations in the province and allows law students to work in their offices for four-month work terms.

In addition to creating opportunities in public interest law, UVic Law is also helping to facilitate the new CBABC Rural Education and Access to Lawyers (REAL) initiative. The REAL program is designed to address the current and projected shortage of lawyers practising in small communities and rural areas of British Columbia, in order to ensure that these communities continue to enjoy access to legal services. This initiative has a number of key components, including funding for second-year summer student placements in rural and small communities throughout British Columbia.



Co-Operative Legal Education Benefits Students and Employers

By Eloise Spitzer

The University of Victoria and the Faculty of Law are proud to offer an exciting co-operative legal education program that formally integrates a student's academic and career studies on campus with productive and relevant work experience in government and the private sector. Students have the opportunity to work at locations throughout Canada or elsewhere around the world.

UVic Law's co-operative legal education program is one of only three such initiatives in North America. It brings an innovative approach to legal education that alternates classroom learning with a series of three paid work terms, each of which lasts four months.

The first term that students would work is the summer after they complete their first-year studies. Afterwards, they alternate work terms with academic terms. These jobs are paid work placements and positions are available literally all over the world. We currently have students working in Paris, Thailand, Ghana, Nunavut, Whitehorse, Yellowknife, Vancouver, Victoria, Nelson, Toronto and Ottawa. In the past, students have been placed in New Zealand, Brussels (at the European Union) and in South Africa — to name just a few options.

Normally, the pay scale is very similar to that of summering jobs. Sometimes students obtain temporary articles so that they are able to appear in court. Students are encouraged to complete one public sector placement, one law office placement and one adjudicative, non-profit or international placement.

The Law Co-op program exposes students to non-traditional areas of law as well as private practice. The opportunity to experience a variety of work environments allows students to evaluate their interests and skills, explore different career options and adjust their career direction accordingly.

The Faculty also offers a specialized program for students who are attracted to public interest law. Since 2006, the Law Foundation of British Columbia has funded a Public Interest Work Placement Program for UVic and UBC law students. There are currently nine such positions available at each law school annually. In the summer, these positions are open to all law students. In the fall and spring terms, however, co-op students are selected to fill the positions allocated to UVic Law.

We have had students working at not-for-profit organizations in Nelson, Vancouver, Kamloops (with a First Nations organization) and many other locations. The Law Careers Officer and the Law Co-op Coordinator meet with their UBC counterparts to review applications from non-profit groups and decide which projects will be funded for 2010 and 2011.

International work terms are very popular with our students. Chris Rivers recently travelled to Arusha, Tanzania, to work at the United Nations International Criminal Tribunal for Rwanda. While he was there, Chris worked for five different UN judges, helped draft judgments in cases dealing with genocide, and attended the tribunal to hear a judgment read out that he had helped to prepare. In his spare time, Chris was lucky enough to go whitewater rafting on the Nile River and track mountain gorillas in southwestern Uganda (where gorillas nearly knocked over his tent on the rim of Ngorongoro Crater).

Max Reede worked in Bangkok, Thailand, for the law firm of Chandler and Thong-Ek — a long-time employer of Law Co-op students. Max worked on international supply and construction contract litigation, project financing for power plants and a steel plant manufacturer, and research related to maritime sovereignty

issues in the Gulf of Thailand.

Max also acted as a liaison for a group of employees from Nepal's Ministry of Natural Resources and took them to see Bangkok's Grand Palace, the ancient ruins of Sukothai and the ocean. When not involved in all these activities, Max travelled to Laos, Myanmar, Cambodia and many of Thailand's beautiful beaches and islands.

Students who take part in the Law Co-op program invariably make invaluable contacts, see the world in new ways and turn their unique experiences into cherished, lifelong memories. For many of them, it also helps them focus and fine-tune their career aspirations.

A student who recently had a work placement in Canada's Far North had this to say: "The Yukon Human Rights Commission has been a phenomenal experience. It's a great work environment and very supportive. I am doing investigations from start to finish and I'm learning skills that I would never have had an opportunity to learn otherwise."



Law student Virginia Mathers (left) recently spent a co-op term in Igloolik, Nunavut

By hiring co-op students, employers are able to successfully address short-term work requirements and move forward on special projects. Their participation in the program is an excellent way to recruit, evaluate and train potential articling students or future employees.

Many UVic Law alumni are already actively involved in the program as employers and mentors, and we would love to hear from more of you. We are always interested in hearing about your careers and helping you or your organization hire the next generation of Law Co-op students.

For more information about the Law Co-op program, please visit the website at <http://law.uvic.ca/current/other/coop.php> or contact:

Eloise Spitzer, Law Co-op Coordinator
Faculty of Law, PO Box 2400 STN CSC,
Victoria, British Columbia, Canada V8W 3H7

T: 250.721.8196 F: 250.721.6593

espitzer@uvic.ca



Spending a co-op term in the Far North was an exhilarating experience for UVic Law student Virginia Mathers

Law Centre Students in the Community

Back in 1978, the idea of a Canadian law school establishing a full-time, clinical term program to get law students directly involved in serving their community was a groundbreaking concept. Since those early days, The Law Centre has gone from strength to strength and it continues to introduce new and innovative programs on a regular basis.

Located in the heart of downtown Victoria, The Law Centre is home to a unique UVic Law program that offers students a full term of experiential learning while they address the legal needs of less-fortunate members of our society.

The Centre provides advice, assistance and representation to clients who cannot afford to hire a lawyer. Thousands of residents of the Capital Regional District are served every year and the Centre's ongoing success reflects the Faculty's commitment to integrating legal theory, legal skills and community service.

Approximately 1,300 UVic Law students have participated in the Centre's clinical terms over the past 31 years. The coursework is certainly challenging, but anyone who's completed the program will tell you that the experience was also incredibly satisfying and personally rewarding.

The Law Centre operates year-round, with 14 students enrolled each term. Students manage case files under the direction and supervision of clinical director Glenn Gallins and a dedicated team of staff lawyers, clinic instructors, support staff and one social worker. Cases may deal with human rights complaints, employment insurance issues, elder law, welfare and Canada Pension Plan issues, landlord and tenant disputes, criminal law, divorce and other family-related matters.

During the months they spent at The Law Centre, students develop a wide range of skills that include interviewing, fact investigation, counselling, negotiation and learning how to conduct all aspects of a Provincial Court trial. They also participate in seminars dealing with professional responsibility, criminal law, corrections law, family law, welfare law, residential tenancy law and wills. Students are expected to appear in court frequently and also participate in hearings before administrative tribunals.

In October 2009, The Law Centre unveiled a new computer-based family law diagnostic tool called Pathways, developed and written by Gallins and launched with the assistance of UVic Law systems administrator Richard McCue. The primary objective of Pathways is to help users quickly access legal information and learn about the procedures they need to follow to resolve any family law issues they may be experiencing — everything from divorce and child custody to spousal support and the division of property.

The Law Centre runs a number of other public legal education programs that provide specialized assistance and information, including is Shut-in and Hospital Services, and First Nations and Métis outreach services. The centre also operates a Human Rights Clinic and Inmate Legal Services.

The important work undertaken by The Law Centre's staff and students is generously supported by the Law Foundation of British Columbia.

For more information about the Centre and its programs, please visit: www.law.uvic.ca/prospective/other/law_centre.php. The Law Centre's website is www.thelawcentre.ca.



The Honourable Wally Oppal — B.C.'s Attorney General at the time — toured The Law Centre in the spring of 2008

UVic Law Students Test Their Legal Skills

UVic Law participates in a wide range of mooting events annually. Several student teams have successfully advanced to the international level in recent years — including the International Client Counselling Competition in India in 2008.

These challenging events allow students to practise their burgeoning legal skills against their counterparts from other law schools. Academic credit is also awarded for participation in some of these competitions. The mooting program gives upper-year law students the opportunity to work collaboratively with their peers and strengthen their written and oral legal advocacy skills. They prepare for these demanding contests under the supervision of a faculty member and/or a practising lawyer. Team coaches commit a great deal of time and expertise, and their contributions are invaluable.

In 2008-09, UVic Law students competed in a total of eight mooting events, including the inaugural Canadian National Mediation Advocacy Competition.

As always, the moot teams received tremendous support from faculty members, library staff and other UVic Law personnel. The competitors also benefited tremendously from practice rounds judged by members of the UVic Law community and legal practitioners from throughout Greater Victoria.

Philip C. Jessup International Moot

March 4-7, 2009 (London, Ontario)

Coach: Professor Andrew Newcombe

Gordon Brandt, Steven Dickie, Megan Shaw and Sabrina Yeudall competed in the Philip C. Jessup International Moot and, according to their coach, put in a very strong performance. They brought home a trophy for placing second in the written submissions component of the competition, which reflected an “extraordinary level of research and writing.”

Gale Cup Moot

February 20-22, 2009 (Toronto, Ontario)

Coaches: Professor Benjamin Berger and Joyce DeWitt-Van Oosten

Maya Gordon, Eric Regehr, Debra Rusnak and Lyndsay Watson represented UVic Law at the 36th Gale Cup Moot. This criminal-constitutional appellate moot focused on a recent Supreme Court decision regarding the constitutionality of some provisions of the Youth Criminal Justice Act. Students from the 18 participating Canadian law schools had an opportunity to hone their legal skills before sitting judges. The UVic Law team performed “brilliantly”, according to Professor Berger, and also took third place in the factum portion of the competition.



The team that represented UVic Law at the Gale Cup Moot in Toronto in 2009 is just one of many student teams that participate in competitions each year. The Gale Cup contingent consisted of (left to right): co-coach Joyce DeWitt-Van Oosten, Debra, Lyndsay Watson, Eric Regehr, Maya Gordon, and co-coach Professor Benjamin Berger.

British Columbia Law Schools Competitive Moot (UVic-UBC)

February 7, 2009 (Victoria, British Columbia)

Coach: Keith Phillips

Jonathan Aiyadurai, Jennifer Craig, Russell Robertson and Micah Weintraub joined forces at the Victoria Courthouse as they sought to repeat UVic Law’s 2008 victory in this regional rivalry. Professor Cheryl Crane attended the event and said the team “exhibited immense professionalism and competence.” UBC ended up winning the moot, but all UVic Law participants performed well.

Wilson Moot

February 27-28, 2009 (Toronto, Ontario)

Coach: Professor Donald Galloway, with Veronica Jackson

Anna Johnston, Sarah-Dawn Schenk, Jillian Vivian and Rashida Usman represented UVic Law at the Wilson Moot. They didn’t come home with any hardware, but team members performed extremely well through four rounds of tough competition. According to Professor Donald Galloway, all of the students demonstrated “energy, poise and commitment” as they made oral presentations related to an equality rights case.

Kawaskimhon Aboriginal Moot

March 6-8, 2009 (Windsor, Ontario)

Coach: Maxine Matilpi

Drew Lafond and Sonya Pighin participated in the Kawaskimhon Aboriginal Moot, a collaborative forum that addresses Indigenous legal issues. The event is unique in Canada because it is not a traditional competitive moot. Instead, participants from throughout the country gather to discuss current legal issues and build consensus. The exercise incorporates dispute resolution concepts while allowing students to examine specific questions of law. This year’s problem asked students to discuss Section 25 of the Canadian Charter of Rights and Freedoms.

Western Canada Mock Trial Competition (for the McIntyre Cup)

January 29-31 (Saskatoon, Saskatchewan)

Coaches: David Sissons, Nils Jensen and Paula Donnachie

Christina Drake and Karalyn MacWilliam tested their legal skills against top students from other Western Canadian law schools. The event featured mock trials — complete with witnesses, judge and jury. UVic Law students fared well in the courtroom, achieving four acquittals for their client and receiving very positive feedback from the judges. Despite that strong performance, the team didn’t advance to the Sopinka Cup Trial Moot.

American Bar Association Client Counselling Competition

February 7-8, 2009 (Spokane, Washington)

Coaches: Professor Andrew Pirie and Steve Perks

Karen Chee, Leah DeForrest and Sharon Fox (the team’s student coach/researcher) travelled to Gonzaga Law School to take part in the American Bar Association Client Counselling Competition. UVic Law “did incredibly well” and was ranked second out of 12 North American law schools after the preliminary rounds. The team fared well in the semi-final but was defeated by Oregon’s Lewis and Clark Law School — the eventual winner of the competition.

Canadian National Mediation Advocacy Competition

November 19-22, 2008 (Toronto, Ontario)

Coach: Andrew Pirie

Braden Gulka-Tiechko and Leena Ronak Yousefi represented UVic Law at the first-ever Canadian National Mediation Advocacy Competition, which is designed to assess a team’s advocacy skills and legal knowledge while representing a client in a mediation process. UVic Law placed strongly within a field of 12 law schools and just barely missed advancing to the semi-finals.

Class Reunions

Members of the Class of ’83 and the Class of ’84 returned to the Fraser Building to celebrate their respective 25th anniversary reunions. UVic Law graduates and their families enjoyed official receptions at the law school, where they got a chance to renew old acquaintances and meet current and former faculty members.

1983



Photos clockwise from top left:

Laura Bakan, Bonnie Solem and Doug Hopkins

All Class of ’83 attendees

Dean Donna Greschner thanks reunion organizer Jeremy Carr

Mark Aitken and Sandra Squire (now Sandra Aitken)

1984



Photos clockwise from top left:

Hilary Jordan and Mark Jordan (Ian Jordan’s wife and son)

Lorraine Dixon, Cleta Brown, Barbara Goodman, Mary Pickering and Kristen Erikson

Richard Pipes and Colin Robinson

Hon. Madam Justice Jeanne Harvey and Victoria Mayor Dean Fortin

ALUMNI UPDATES

1980

THOMAS MANSON is an Associate Counsel with Forstrom Jackson Litigation Counsel in Vancouver. Since 2003, he has been a guest speaker at Shandong University, Harbin Institute of Technology, Heilongjiang University, Nanjing University School of Law, China University of Political Science and Law, HIT School of Law and the Law School of Shandong University. “It is a tremendous way to see China and advance the study of law in that country! I am continuing my very part-time lecture career in 2009 in Shenzhen and elsewhere.”

1981

ROBIN FORD left the B.C. Securities Commission in December 2007 and now consults in the areas of governance and regulation. She invites fellow alumni to contact her through the LinkedIn website.

ROBERT LAPPER Q.C. was appointed as Deputy Minister of Labour for the Province of British Columbia in June 2009.

1982

SUSAN LYONS has homes in both Vancouver and Victoria and is happily writing romance fiction under the names of Susan Lyons and Susan Fox. She has just sold her 14th book. Her website is at www.susanlyons.ca.

ELLEN RILEY (nee McDonald) enjoys attending hearings across Canada as a member of the Veterans Review and Appeal Board, an independent quasi-judicial board that hears appeals related to disability pension claims made by members of the Canadian Forces and the RCMP.

1983

ALLAN P. SECKEL, Q.C. has been appointed Deputy Minister to the Premier, Cabinet Secretary and Head of the British Columbia Public Service. Premier Gordon Campbell made the

announcement in October 2009. Seckel had been Deputy Attorney General since 2003, following many years spent in private practice.

KATHRYN STACK (nee Heraty) earned a master’s degree in Japanese Law at the University of Tokyo in 1994 and then worked with Baker & McKenzie in Tokyo and Singapore. She currently lives in Rye, New York, and is a consultant for the Rye City School District, translating New York State Exams for Japanese students. She also provides consulting services to professionals requiring legal or cultural assistance for ventures between Canadian, American and British parties and their counterparts in Japan, Korea and China (including Hong Kong). Kathryn volunteers with environmental groups while being a mother to Michael (13) and Julia (10). “It’s great to stay in touch with UVic.”

1984

RON FRIESEN is the Chief Executive Officer of the Continuing Legal Education Society of B.C. Ron has been with CLEBC for 24 years and has served as a Professional Legal Training Course (PLTC) faculty member, program lawyer, and most recently as Director of Education.

MARK WALLACE is the president of Medgate Inc., a provider of employee health and safety software to large corporations and government entities (predominantly in the U.S.). Previously, Mark was vice-president, general counsel and corporate secretary for AT&T Canada.

1985

CHANTAL MEAGHER has been working as the Acting Director of the International Crime and Terrorism Division of the Department of Foreign Affairs and International Trade, and before that as the Political Counsellor (human rights and domestic politics) at the Canadian Embassy in Beijing. She is taking “a break from gainful employment” in order to develop her own business, importing one-of-a-kind jade and pearl jewelry (www.shufuhome.com). The move will allow her to spend more time with her nine-year-old daughter Jessye and her husband Phil. They are still based in Ottawa but plan to settle in Nanaimo within a few years.

DIANE E. TOURELL practised law for 20 years, mostly in Victoria. She took a sabbatical from practice in 2006 to pursue graduate studies in international human rights law and international criminal law at the Irish Centre for Human Rights, part of the National University of Ireland at Galway. She researched and wrote a dissertation on issues arising from the participation of victims in proceedings before the International Criminal Court, for which she was awarded an LL.M. degree. Diane then spent a year in The Hague working as a legal officer with an international human rights NGO. She recently returned to Canada and can be reached at dianetourell@gmail.com.

1986

STACEY BALL is a principal of the Toronto employment law boutique of Ball & Alexander. He has authored the text *Canadian Employment Law* (Canada Law Book), which has been updated regularly since 1996. He is an adjunct professor at Osgoode Hall Law School and has been ranked by Lexpert/ALM as one of Canada’s leading 500 lawyers. Stacey argued a number of major employment decisions, including *Wallace v. UGG*, at the Supreme Court of Canada. He married Jennifer Chan in 2007 and their daughter Victoria was born in September 2009.

1987

FREYA KRISTJANSON has joined the partnership of Cavalluzzo, Hayes, Shilton, McIntyre & Cornish LLP in Toronto. She practises administrative and public law, as well as civil litigation. Freya’s daughter Zahra is starting Grade 3 this year, and her partner Andrew Faiz writes and edits a magazine. Freya teaches administrative law at the University of Toronto Faculty of Law, is a member of the board of the Advocates’ Society, loves the practice of law (even after 20 years!) and has very fond memories of UVic.

MARY MOUAT was elected Chair of the Law Foundation of British Columbia, with a two-year term commencing on January 1, 2009. Mary maintains a busy practice at Quadra Legal Centre

in Victoria, where she focuses exclusively on family law. Colin Robinson (’84) — who started the Quadra Legal Centre with Cliff Thorstenson (’85) and who “allowed” Mary (his words) to join the firm in 1990 — continues to be amazed at her level of involvement in professional organizations and community-based initiatives. These include the Canadian Bar Association, the Victoria Bar Association, the Victoria Women’s Sexual Assault Centre, the South Vancouver Island Family Planning Society, the Victoria Heritage Foundation and, more recently, the Law Foundation of B.C. Colin lives in hope that Mary will someday actually stay in the office and Mary looks forward to the day that Colin learns the difference between “inside voice” and “outside voice”. Former partner Glen Perkins (’87) is retired in Courtenay but occasionally notes that he still can’t believe it all worked.

1988

RITA ANDREONE keeps busy with her work as a partner at Lawson Lundell LLP and as a Benchler, and keeping up with her two daughters (aged 11 and 15).

RUSS BENSON is a partner at McCarthy Tétrault LLP in Vancouver, in the Real Property and Planning Group. He got married the same year he finished Law school and he and Alice celebrated their 20th anniversary in September 2008. They live in North Vancouver and have a daughter (Talia, 17), a son (Tyler, 13) and a dog called Toffee.

LILLI BOCTOR and **BRIAN BULLEN** are enjoying life in the Alberta countryside with four kids, one dog, four cats, two horses and lots of wildlife. Lilli has had her own practice for years, working mainly in commercial litigation before moving into corporate work (for Brian’s company) and dealing with immigration cases. She says that “work is part-time and kids are full-time” and that she has been focusing on corporate/commercial law but still does immigration work. Brian has been working in the renewable energy field since 1996.

STELLA FRAME was appointed to the B.C. Provincial Court in December 2006 and moved to Kamloops in March 2007. Starting in January 2010, she will be the Administrative Judge for the Kamloops District. Stella has an eight-year-old daughter (Madeleine) who just started Grade 4. They live in Kamloops with a fish (Splash) and a German shepherd/border collie cross (Sadie). Stella grew up in Kamloops and says she loves being back in the area: “Life just doesn’t get much better than we have it! We live so far up the hill we can watch roundups over the fence in September!

Photographs contributed

Maddie has taken up snowboarding, trampoline, horseback riding, soccer and hip hop. I manage to fill my remaining time with committees.” Stella has also fit in a lot of travel since moving back to Kamloops, including Disneyland, Prince Edward Island and Ireland — with Australia next on the agenda.

JOAN HUGHES returned to the nursing profession for a few years and then did some long-term travelling in South America, before moving to Kamloops to article. She practised general civil litigation for five years before being appointed to the B.C. Provincial Court as a Judicial Justice of the Peace and she is “still happily ensconced there.” Joan sits primarily in traffic and bylaw courts and also deals with search warrants and bail hearings. Joan travels extensively and also appears around the province by video for traffic court cases. She regularly sees her 1988 classmates Stella Frame, who is a B.C. Provincial Court judge in Kamloops, and Nancy Phillips (nee Prsyzniuk), who is an Associate Chief Judge.

KAREN KNOTT still lives in Greater Victoria (Central Saanich), is very busy with her power utility business and continues to do arbitration work. She bikes and runs as much as she can and has been travelling quite a bit for bike camps and bike races.

LAURA LYNCH finished her posting as a European correspondent with the Canadian Broadcasting Corporation in June 2008. She went to Toronto to host *As it Happens* that August and then took a year’s leave of absence to work with U.S. and British broadcasters, travelling to Moscow, South Africa, Zambia, Ghana and Pakistan. Laura also travelled to Iran to cover the 2009 election — an assignment that she considers one of the most challenging and fascinating of her career. The CBC has extended her leave through the summer of 2010, so she will continue to work with BBC World Service and U.S. public radio.

PHIL WILLIAMS and **KARA WOODWARD** live in Victoria. Phil is still practising and now has his office in the Oak Bay Village. Kara has been with the provincial government since 1993 and deals with policy matters. They married in 1994 and have two children (Isabel in 1997, Rhys in 2000) and a dog. They stay active and ski in the winter, while Phil plays golf year-round. “Life is great. My only complaint is that it moves too fast,” says Phil.

1989

JOIE QUARTON has spent the last 15 years practising law in Whitehorse, Yukon, but she is heading to Edmonton for a year and then plans

to begin a master’s degree program in alternative dispute resolution at Osgoode Hall Law School. Her practice exclusively involves adjudicating Indian Residential School abuse claims. She and her husband of 32 years have three children.

1991

SUSAN L. BEACH has moved from her partnership with Cox Taylor to the Risk Management Branch of the Ministry of Finance and she is primarily handling claims with health authorities. She is also working on an LL.M. degree from UBC, with an emphasis on nursing and the law.

1992

JENNIFER MCKEEN has just begun a posting at the Canadian Embassy in Moscow as the program manager for Canada’s Global Partnership Program. It is a G8 initiative aimed at preventing terrorist groups and countries of proliferation concern from accessing the cold war legacy of weapons and materials of mass destruction and related expertise in the former Soviet Union.

JOHN MOSTOWICH is a sole practitioner specializing in brokering small to medium-sized business sales, mergers and acquisitions in Canada and internationally. He is also general counsel to a national trade union and maintains a litigation practice in Vancouver.

1995

BRUCE HALLSOR is a partner with Crease Harman & Company in Victoria. He was recently elected as president of the National Wills, Estates and Trusts section of the Canadian Bar Association.

GEORGE WAGGOTT and his wife Patricia Quintero live in Toronto and are proud parents of John Paul Waggott, born on May 6, 2009. George and Patricia met when they were working in England. George worked for over three years



WAGGOTT

in the employment law and executive compensation group at Freshfields in London. He is now a partner in the Employment and Labour Law group at Lang Michener LLP (gwaggott@langmichener.ca).

Patricia is a busy mother and also runs her own interior design practice. George runs regularly (slowly but steadily) with fellow UVIC Law graduate Greg Chang (Class of '95).

1997

CHARLES HOTEL left the partnership of Lawson Lundell in 2006 to join the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Games (VANOC), as Director and Senior Legal Counsel.

KARL MAIER has been in private practice for over 10 years and is a partner at McQuarrie Hunter LLP in New Westminster, where he also lives. The law practice and house projects keep him busy and his wife Maureen and their two boys (Evan, 10 and Finian, 8) keep him sane. Karl is looking for ways to give back and recently joined the board of the Douglas College Foundation.

1998

PATRICK EWING is the Manager of Intergovernmental Fiscal Relations in B.C.'s Ministry of Finance. He was also recently installed as Governor of Kiwanis International's Pacific Northwest District. This is the highest office in the district, which includes more than 10,000 volunteers in about 350 clubs from northern California to Alaska. At 39, Patrick is the youngest governor in the district's 94-year history. One of Patrick's interests is dogs, so he will be looking at supporting dog-related community services such as sponsoring assistance dogs for people with disabilities or taking therapy dogs into nursing homes.

DONALD J. MCKAY continues to practise criminal defence law in Victoria. His growing appellate case load has twice taken him to the Supreme Court of Canada.

MATT POLLARD is Legal Adviser on Counter-Terrorism and Human Rights at the International Secretariat of Amnesty International in London. He continues to work toward the completion of his Ph.D. degree at the University of Essex. Matt is also a co-author of the just-published third edition of Sir Nigel Rodley's book *The Treatment of Prisoners Under International Law* (Oxford University Press).

1999

MERLE C. ALEXANDER practises corporate and commercial law (concentrating on Aboriginal sustainable development) at Boughton Law Corporation in Vancouver. He was a recipient of

a *Business in Vancouver* "Top Forty Under 40" award in 2009.

TARA PARKER is a partner in the Entertainment Group at Goodmans LLP in Toronto. Her practice focuses on representing major American and Canadian studios, broadcasters, independent producers and literary, artistic and business clients. She deals with the development, production, financing, licensing and distribution of film, television, book, theatrical, music and new media projects. Tara has been recognized by *The Best Lawyers in Canada 2010* as a leading entertainment lawyer in Canada and she is a frequent speaker and panellist at seminars related to a range of media-related issues. Tara is affiliated with the Academy of Canadian Cinema & Television and serves on the executive of the Ontario Bar Association's Entertainment, Media and Communications Law Section.

MIKE RAVEN is a sole practitioner and business lawyer in Vancouver. He advises private and public companies operating in Canada, the U.S., Australia, China and Africa in industries such as mineral resources, oil and gas, entertainment and technology, with respect to corporate structures, mergers and acquisitions, corporate governance and private and public financings. He is currently an officer and director of First Source Resources Inc. (a Canadian mineral exploration company) and an officer of Triton Gold Limited (an Australian mineral exploration company). He also recently co-wrote, co-produced and co-directed an independent feature film about the world of independent professional wrestling (www.kayfabemovie.com).

2000

SHERRY MACLEOD is now Major Sherry MacLeod. She joined the Office of the Judge Advocate General (JAG) of the Canadian Forces in 2002 and was promoted to the rank of Major in 2004. She is currently posted to the Canadian Military Prosecution Service, where she has been appointed as a military prosecutor. She works out of Ottawa but prosecutes at courts martial throughout Canada. In June 2009, Sherry and her sons (Rembrandt and Harlan) performed at the Ottawa Fringe Festival. Together they wrote a new work entitled *Save Point*. The experience was so much fun that they are planning to do it again next year.

2003

VISHAL K. BAJPAI articulated and later practised at Shook Wickham Bishop & Field in Campbell River, with the firm's litigation department.

Despite "the beauty of Campbell River and the camaraderie at the firm", Vishal switched gears and practised corporate law with a firm in Maple Ridge and later at a firm in Vancouver, specializing in corporate/securities work. In November 2008, Vishal opened up his own general practice firm in Mission, where he also lives. Vishal would love to hear from his fellow classmates and other alumni and invites them to contact him at law@bajpai.ca.

MIKAEL CHARETTE is the manager of Harvey Simard Law Corporation's Beijing office and assists Chinese businesspeople who are interested in investing abroad. Mikael has been living in China for almost five years.

2004

SENA BYUN moved to an in-house position at Telus in March 2009 (in Vancouver) and works in the Corporate Secretary department and the Mergers, Acquisitions and Divestitures department, practising mainly corporate and securities law.

IAN GERRITSEN is working as a regulatory planner with Integrated Environments, an environmental consulting firm in Calgary, Alberta. He celebrated his marriage to Natalie De Rochie in July 2009.

ROLF Warburton recently joined the B.C. Ministry of Attorney General's Civil Litigation group in Victoria after three years working in commercial litigation. He has two young daughters and is enjoying his new practice.

2006

ANGIE TONG was called to the B.C. Bar in 2007 and took the California State Bar exam in 2008. She practises in Santa Clara, California, with Mlnarik Law Group, Inc. — a full-service firm that focuses on bankruptcy, fair debt collection, construction, family and trust law. She would be pleased to share her U.S. experiences with others who are interested in practising in California.



PARMAR

2007

SANJEEV PARMAR is engaged to be married to Caroline Nguyen of Quebec. The couple met while doing their undergraduate degrees at UBC. They

Photographs contributed

participated in a traditional Punjabi engagement ceremony in July 2009 and the wedding will take place in August 2010.

2008

BURCIN ERGUN has finished articling at Miller Thomson LLP in Vancouver and is moving to Istanbul, Turkey, to work as an associate at a British firm.

ALEX FIELDING articulated at Stikeman Elliott in Vancouver. He is moving to The Hague in October



FIELDING



MACKIE

HMCS Malahat. In May 2009, he performed the title role in a production of William Shakespeare's

to join the defence team of Momcilo Perisic, former chief of staff of the Yugoslav Army, who is indicted for war crimes at the International Criminal Tribunal for the former Yugoslavia.

CHRISTOPHER MACKIE completed basic officer training in the Canadian Forces and was commissioned as an officer in the summer of 2008. He began serving articles under Lt. Col. M. R. Hunt (retired) in January 2009. He is currently assigned to

Macbeth at the Belfry Theatre. In July 2009, he wrapped filming on the Truth Factory Films feature *Cascadia*, in which he played the lead role.

I. STANLEY OSOBIK ("Ihor") articulated at Crease Harman & Co. in Victoria and is now an associate counsel at Buckler Shaver LLP in Victoria.



OSOBIK



SPENCE

called to the Bar in May 2009. She has stayed on as an associate with the firm and is practising in the areas of family law, criminal law, wills and estates. Christina has played a lot of competitive golf in the past and she won the 2009 B.C. Women's Amateur and Mid-Amateur Golf Championship this past summer, as well as the Canadian Women's Mid-Amateur Championship.

CHRISTINA SPENCE returned home to article with Badovinac, Scofield and Mosley, a four-lawyer firm in Port Alberni. She completed the Professional Legal Training Course (PLTC) and her articles and she was

IN MEMORIAM

CHRISTOPHER P. KEHLER ('79), a partner at Johns Southward Glazier Walton & Margetts, passed away on February 10, 2009.

DOUGLAS S. JOHNSON ('80) passed away on November 19, 2008 at the age of 61. He articulated with Skillings & Company after graduation and was called to the B.C. Bar in 1981. He subsequently became a partner in the same firm and practised there until his death. Douglas was a past-president of the UVic Alumni Association and was also deeply involved in charitable work.

ALEXANDER REYNOLDS ('92) passed away on May 9, 2009 at the age of 54. He was well-known for his work in the area of child protection and for his advocacy efforts on behalf of parents. Alexander was good friend of UVic Law and served as a judge at the 2008 regional event of the ABA Client Counselling Competition, which was held at the law school.



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Anne Pappas, B.A., B.Ed., LL.B.

Manager of Development, Alumni and External Relations
for the University of Victoria Faculty of Law
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Stay in touch with UVic Law...

We are always interested in hearing about UVic Law alumni and how they are faring in their chosen careers. We also want to keep you informed about special events taking place at the law school or related to your graduating class. Not only can you send us news about yourself, but you can also catch up on news provided by your classmates through our *InterView* or check out the "Alumni" section of the Faculty of Law's website. (To protect the privacy of UVic Law graduates, we never post any information on our website that is not expressly provided for that purpose.) Please take a few moments to fill out this form. We'd love to hear from you!

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Email address (home)	Phone number (home)	<input type="text"/>	
Graduation year	Last name at graduation (if different) <input type="text"/>		
Employer/organization	<input type="text"/>		
Position or title	<input type="text"/>		
Email address (work)	Phone number (work)	<input type="text"/>	
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Getting involved to select more than one item, hold down the CTRL key)

I'm willing to speak to an applicant or incoming student about my law school experiences.
I'm willing to talk to a student about my career path.
I'm interested in sharing memories of law school in UVic Law's publications and on its website.
I would like more information about the law school's co-op program and/or becoming a co-op employer.
I'm interested in assisting the Law Career Office with its mentoring programs.
I'm interested in learning how I can donate to UVic Law scholarships or programs.

Thank You!
Submit by email

We're always interested in hearing from our alumni and learning how they're faring in their chosen careers. We also want to keep you informed about recent news and upcoming events at the law school, including activities directly related to your graduating class.

You can help keep your contact information up-to-date by filling out our easy-to-use PDF form (available at www.law.uvic.ca/alumni/keeping.php) and emailing it to us. It only takes a few minutes to complete the form and it will allow us to notify you promptly about UVic Law program developments and upcoming special events. You are also welcome to give us a call at any time!

Visit the “Alumni” section of the Faculty of Law's website at www.law.uvic.ca/alumni/ for more information about events and services for UVic Law graduates.

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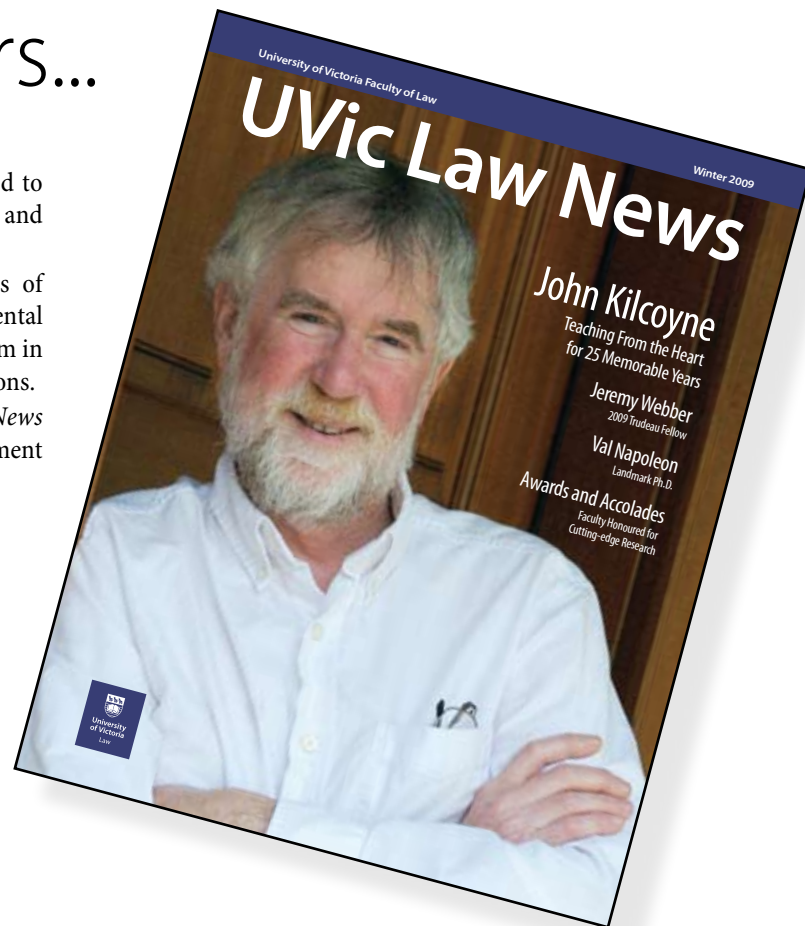
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"The generous scholarships I have been given bring me encouragement and hope. They made me feel that the many responsibilities I already held would be gently counterbalanced by this spiritual lift from someone else's faith in me."

Monique Dull, UVic Law scholarship recipient



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