

Western Law

2016 ALUMNI MAGAZINE

McLaren Report

rocks sports world

ALSO IN THIS ISSUE

Diplomacy by
other means

Legalizing marijuana:
no good options

Nicholls named
Fulbright Scholar



Western

Western Law Alumni Awards Reception

November 23, 2016
Hockey Hall of Fame, Toronto
6:00 p.m. to 8:00 p.m.



Congratulations to our 2016 Award Recipients

Ivan Rand Alumni Award

This award, named in honour of Western's founding Dean of Law, The Honourable Ivan Cleveland Rand, CC, QC, LL.D, recognizes exemplary contributions to Western Law and to the alumni community.

Richard McLaren, O.C., HBA'68, LLB'71, Counsel to the London, Ontario law firm McKenzie Lake Lawyers LLP, Founder of Innovative Dispute Resolution and McLaren Global Sport Solutions, a senior law professor at Western and Director of the Western Business Law Clinic. Richard is an internationally recognized dispute resolution arbitrator and author who has been involved in many high-profile cases. He is also a life-long mentor to many of his students and a recent recipient of the Order of Canada.



Business Leadership Award

This award recognizes superior achievement in business and leadership. The recipient is a role model and mentor to alumni and to the professional community.

Warren Bongard, LLB'91, President and co-founder of ZSA Legal Recruitment. Warren is Past-President of Western Law's Alumni Association and is currently a Director on the board of The University of Western Ontario Alumni Association. ZSA Legal Recruitment is the largest search firm in Canada serving the hiring needs of law firms and organizations of all sizes across the Country and around the world. ZSA together with the National Post are the co-founders of the Canadian General Counsel Awards.



Community Service Award

This award recognizes alumni who have made outstanding contributions to local, national or international communities. They have enriched the lives of others through their tireless commitment and generous gifts of time and talent.

Christine Elliott, LLB'78, Former Whitby-Oshawa MPP and a champion for persons with special needs. Christine is the co-founder and a Director of the Abilities Centre, a multipurpose athletic, recreation and performing arts facility for persons with special needs in Whitby. She is also a Past Chair of Grandview Children's Centre and a former Director of the Lakeridge Health Whitby Foundation.



Tickets and more information can be found online at
www.westernconnect.ca/lawalumniawards

Western Law

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On the cover: Richard McLaren '71, photo by Frank Neufeld



The Law Foundation of Ontario
Building a better foundation for justice in Ontario

Western Law would like to thank The Law Foundation of Ontario for continued financial support of many of our programs.



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WESTERN LAW MAGAZINE

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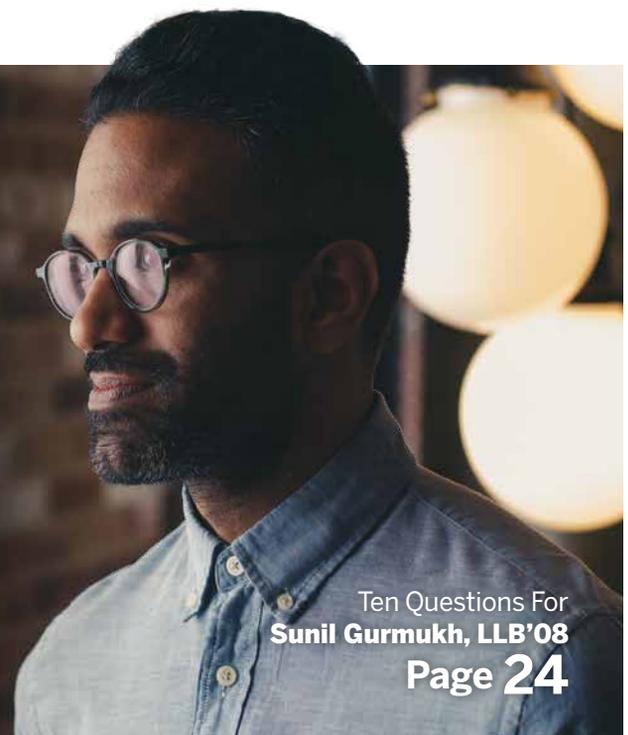
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Comments and contributions are welcomed. Please email Susanna Eayrs at seayrs@uwo.ca



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Sunil Gurmukh, LLB'08
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A TIME OF INNOVATION & CHANGE

We've initiated a number of important changes at Western Law this past year – changes that reflect the legal profession generally, as well as our global community.

More than ever, our students need to learn to think critically, develop a broad range of interdisciplinary skills and sustain and promote the highest professional standards.

As part of our orientation experience this September, we introduced a formal ceremony to welcome our incoming students into the legal profession and instil in them a sense of personal and professional responsibility. We were honoured to have Madam Justice Eileen Gillese of the Ontario Court of Appeal and former Dean of Western Law provide the keynote address at the ceremony.

We are implementing changes to our curricular and co-curricular programming to provide our students with an evolving, enriched academic experience that will prepare them for the changing business of law.

In collaboration with faculty at the Ivey Business School and with funding support from our alumni and friends, we are developing innovative business law case studies to expose our students to complex, multi-disciplinary issues and transactions. In addition, our work with the "Closing Folders" software will also allow our students to experience what it is like to paper and close a commercial transaction.

We've also introduced changes to our curriculum in response to the Truth and Reconciliation Commission's *Calls to Action*. Our first-year module on Indigenous differences in Canadian laws has been enhanced; we've introduced a new moot on extractive and Indigenous affairs; hosted a free LSAT preparation course for Indigenous students; and will be offering an intensive course on Indigenous-related policy with respect to family and sexual violence. In addition, with support from the Ministry of the Attorney General, Western Law students worked as summer interns with First Nations communities in northern and eastern Ontario on local justice initiatives, including Indigenous jury representation.

I'm also delighted to announce that we launched a new project-based LLM program aimed at legal practitioners and recent law graduates who wish to enhance their professional credentials.

There are changes on our faculty side as well. Professor Craig Brown, featured later in this magazine, retired after 40 years at Western Law. Craig has made an exceptional contribution to our faculty and students for

many years. At the same time, we were fortunate to recruit three new tenure track faculty members – Asad Kiyani, Claire Houston and Wade Wright.

Special recognition is due to Professor Richard McLaren, recipient of the Order of Canada, and in the news consistently this year for his ground-breaking work with the World Anti-Drug Agency. Rich, a member of the class of 1971, along with Christine Elliott, LLB'78 and Warren Bongard, LLB'91, will be honoured at this year's alumni awards ceremony on November 23 in Toronto. I hope you will be able to join us on this special occasion.

Finally, on a personal note, it has been my privilege and honour to have the opportunity to work with so many dedicated and supportive alumni, friends and colleagues over the past five years during my term as Dean. **WL**



CHIEF JUSTICE DELIVERS PENZA LECTURE IN HUMAN RIGHTS



BEVERLEY McLACHLIN

Chief Justice Beverley McLachlin spoke on “Canadian Constitutionalism and the Ethic of Inclusion and Accommodation” at the annual Pensa Lecture in Human Rights on March 31.

In her talk, McLachlin outlined a narrative of Canada’s inclusive approach to diversity, which she says is rooted in our past.

“Our history is not a history of exclusion, subjugation or exile, but a history of coming together in full recognition of our differences and working out those differences in the spirit of mutual respect,” she said. “In a multicultural, global world where other nations are struggling to deal with diversity, we have set a high mark.”

She went on to discuss how our Constitution and laws have developed to support a response of inclusion and accommodation. She then analyzed the boundaries of accommodation – the limits that the law and our legal system must inevitably impose.

She highlighted the right to assisted dying (*Carter v. Canada*, 2015), the balancing of rights in the “niqab” case (*R. v. N.S.*, 2012) and the recognition of First Nations’ place in Canadian society (*R. v. Sparrow*, 1990) as examples of constitutional decisions by the Supreme Court of Canada that have shaped our judicial approach toward

diversity, respectful accommodation and reconciliation.

“By striking the balance between the rights and their limits, the Constitution has shaped the values to which we are committed, and in the process forged our identity,” McLachlin said. “Sometimes the process is difficult, often it is imperfect. But it is the only process we have.”

This was the final lecture of this important series established in 2006 to honour Harrison Pensa LLP founding partner, Claude Pensa, and the commitment he and his late wife, Elaine, shared in the area of human rights.

WESTERN LAW LAUNCHES NEW LLM PROGRAM FOR PROFESSIONALS

A new graduate program at Western Law aims to help legal practitioners and recent law graduates enhance their professional credentials. The project-based LLM program will be tailored to students' individual interests and professional goals.

"This program will be attractive to legal practitioners who wish to examine legal challenges in a multifaceted way," says Erika Chamberlain, Associate Dean (Academic). "Completing this LLM will help lawyers gain a deeper understanding of their field and also provide a marker of their expertise to the clients they serve."

The flexible program is geared to accommodate busy professional schedules and can be completed part-time (two years) or full-time (one year).

LLM students in this program will complete one graduate seminar, five elective courses and a major research project.

Students can choose from more than 80 elective courses, creating a rich individualized learning experience. The faculty has a particular breadth of expertise in business law, taxation, mining law, labour and employment law, and intellectual property.

The major research project can be designed to reflect the student's professional or academic interests and can focus on legal or policy issues requiring complex solutions. With advice and guidance from Western Law's leading legal academics, students can explore the legal challenges most relevant to their work in-depth.

The program is available to those with a JD/ LLB or equivalent.

CLS OPENS DOWNTOWN SATELLITE OFFICE



DOUG FERGUSON

Community Legal Services (CLS), with a grant from Legal Aid Ontario, has opened a satellite office at the new Innovation Works building at 201 King Street in downtown London. Innovation Works was created by Pillar Nonprofit Network and brings entrepreneurs, businesses, government, nonprofits and charities together under one roof.

CLS Director Doug Ferguson saw this as an opportunity to expand the clinic's presence in the community and to promote access to justice. He says the new office can be used in many ways and he's excited about its possibilities.

"We hope to build relationships and/or partnerships with other tenants in the building to better serve our clients," Ferguson said. "The downtown location will make it easier for some of our clients to access our services and will be a great space to hold our public legal education workshops."

CLS began meeting new clients there in July and a grand opening is slated for September. Innovation Works is London's first-ever co-working space designed for social innovators.

"Having this partnership reinforces the heart behind Innovation Works," says Michelle Baldwin, Executive Director of Pillar Nonprofit Network. "It fosters a collision of ideas, with the desire to reach innovative solutions to our most persistent community challenges."

CUSLI LECTURE ANALYZES TRANS-PACIFIC PARTNERSHIP

Ian Laird, a Canadian-trained investment lawyer at Crowell Moring, LLP in Washington, DC, spoke about the problems and prospects for the Trans-Pacific Partnership (TPP) at the ninth Canada-U.S. Law Institute Distinguished Lecture held last November.

"The TPP may simply serve as a 'platform' for future negotiations between United States and other countries like the EU and China in the hopes that a broader-based deal might be reached one day and brought in to the World Trade Organization," Laird said.

In the meantime, he said there would be pressure for investment arbitration in

the TPP to look more "court" like, with "the possibility of more judicialized proceedings and appellate review." Recently, the EU, in ongoing negotiations with the U.S., has floated this possibility for a projected Transatlantic Trade and Investment Partnership (TTIP).

"Legislators contemplating ratification of the TPP in Canada and elsewhere will have to determine whether arbitral proceedings, which are often held in private before arbitrators with little public vetting, should yield to a more formalized procedure in the interests of legitimacy," he said.

The Canada-U.S. Law Institute hosts the annual CUSLI Distinguished Lecture to provide the opportunity for a respected figure to give a public address on a subject of importance to the Canada-U.S. relationship.



IAN LAIRD

FELLOWSHIP TO FOCUS ON INDIGENOUS ECONOMIC JUSTICE

Brenda Young, Community Justice Director for the Chippewas of the Thames First Nation, will join Western Law for the 2016-17 academic term to focus on understanding and improving access to justice for Indigenous Peoples. Young is the recipient of the Law Foundation of Ontario's Community Leadership in Justice Fellowship (CLJF).

"We're extremely pleased to work with Brenda as she explores the links between international and Canadian law and economic justice for Indigenous Peoples," said Associate Dean Valerie Oosterveld. "The Western Law community and the Chippewas of the Thames First Nation will jointly benefit from her collaborative research and the resulting symposium on this topic."

Young's fellowship will include research that will help inform the development of a guideline curriculum for a course that will be taught at Western Law and

shared with other law schools and Indigenous communities.

A 2013 Indigenous Fellow at the United Nations Office of the High Commissioner for Human Rights, Young is currently active in a number of community and legal organizations including the Law Society of Upper Canada's Equity Advisory Group and Legal Aid Ontario's Aboriginal Issues Advisory Committee.

The Law Foundation's Justice Fellowships provide individuals in nonprofit organizations the opportunity to spend all or part of an academic year at an Ontario law school, university, or community college department dedicated to legal or justice studies.

The other 2016 CLJF recipients are Nikki Gershbnain, National Director of Pro Bono Students Canada; and Sarah Pole, Executive

Director of Law in Action Within Schools, the youth outreach partnership between the University of Toronto Faculty of Law and Osgoode Hall Law School.

"The Board was impressed by these extraordinary leaders," said Paul Schabas, the Law Foundation's Chair. "Each of them has a proven capacity to serve clients and build programs in the nonprofit sector. They have laid out clear plans to improve our understanding of critical access to justice issues.

We're excited to see what they achieve in their fellowships and how they'll take what they learn back to the front line."



FIRST-YEAR CORPORATE LAW COURSE A FIRST IN CANADA

This past year, Western Law students had the option of taking corporate law in their first year, an opportunity unique among Canadian law schools.

According to Professor Christopher Nicholls, the W. Geoff Beattie Chair in Corporate Law and Director of Western Law's business law program, the new "Corporate First" option offers important professional and pedagogical advantages.

"Corporate law offers a

unique perspective on the critical intersection of public and private law and the dynamic relationship between legislation and common law principles," he says. "It also challenges students to grapple with fascinating and complex legal and policy issues surrounding perhaps the most powerful economic institution in modern society."

Nicholls also noted that the "Corporate First" option allows students to take more

specialized business law courses as early as the fall term of their second year, while their counterparts at other Canadian law schools are only just beginning their study of corporate or business organizations law.

The curriculum change follows the adoption of Western Law's new strategic plan in 2014, part of an ambitious renewal program focused on curriculum reform and the reaffirmation of

our goal to be the pre-eminent business law school in Canada.

It's part of an expanded first-year curriculum introduced by the faculty to provide students with greater opportunities for advanced, active and experiential learning.

"We're committed to ensuring our JD program has the curricular and co-curricular experiences students need to succeed in their chosen careers," says Dean Iain Scott.

HONOUR, OATHS AND THE RULE OF LAW EXPLORED AT COXFORD LECTURE



Professor Paul Horwitz, of the University of Alabama School of Law and Harvard University, delivered a fascinating lecture on the connection between the concept of honour, the rule of law and what it means to occupy a public office at the annual Coxford Lecture held at Western Law on March 10.

Horwitz, a leading figure in First Amendment scholarship, argued the concept of honour, often expressed by an oath to uphold the constitution, is a vital element of the rule of law in a modern liberal state, linking together private and public virtue.

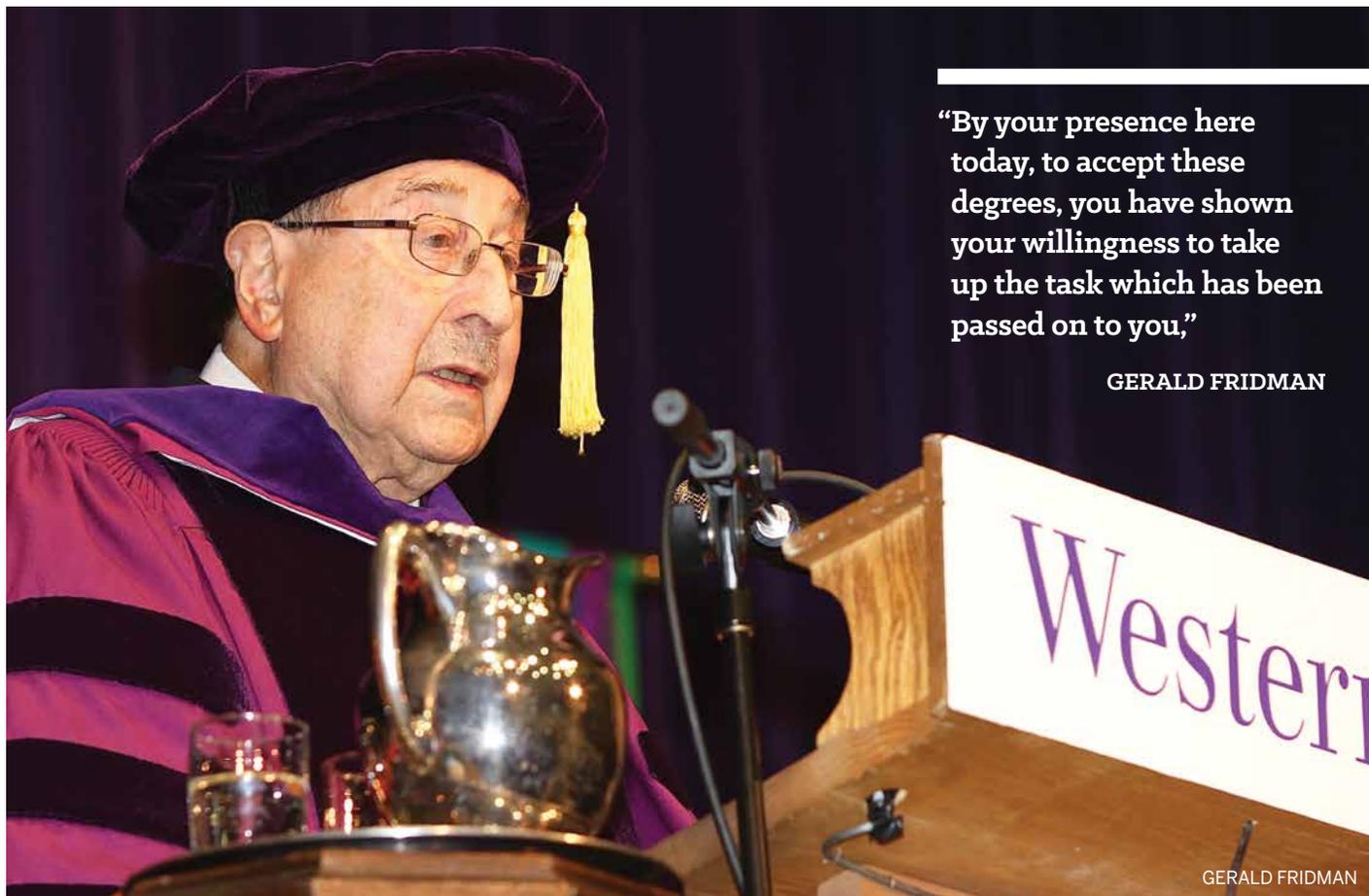
The Coxford Lecture is Western's leading public law lecture. Each year the series brings international scholars to Western Law to address important public law questions in order to promote and advance the rule of law.

Previous speakers in the Coxford series include Professor Adrienne Davis (Washington University in St. Louis); Professor Larry Alexander (University of San Diego); Professor Jeremy Waldron (New York University/Oxford); Professor Jeffrey Goldsworthy (Monash University); former Supreme Court Justice Ian Binnie; Oxford Law Dean Timothy Endicott; and renowned legal philosopher John Finnis.

The Coxford Lecture is generously supported by Stephen Coxford, LLB'77, former Chair of Western's Board of Governors. The Coxford lectures are published annually in *The Canadian Journal of Law & Jurisprudence*.

PAUL HORWITZ

FRIDMAN CONFERRED HONORARY DEGREE BY WESTERN



“By your presence here today, to accept these degrees, you have shown your willingness to take up the task which has been passed on to you,”

GERALD FRIDMAN

GERALD FRIDMAN

The next generation of nurses and lawyers has a duty to carry on the storied histories of proud professions. Professor Emeritus Gerald Fridman told graduates at the June 22 afternoon session of Western’s 307th Convocation.

“By your presence here today, to accept these degrees, you have shown your willingness to take up the task which has been passed on to you,” he said. “On this auspicious occasion, therefore, I challenge and urge you to do so. Go forth and fulfill the duty and privilege which now comes into our possession.”

Fridman, an accomplished scholar of Canadian law, spoke to graduates from the Faculty of Health Sciences, Faculty of Law and School of Graduate and Postdoctoral Studies at Convocation, where he was also conferred an honorary Doctor of Civil Law, *honoris causa*.

A long-time Western Law faculty member,

Fridman is the only Canadian legal academic to have written and maintained five separate leading treatises on five different areas of Canadian law. His writing on Canadian private law has influenced generations of scholars, students, lawyers, law reformers and judges. His work has been cited in more than 50 decisions of the Supreme Court of Canada and in hundreds of lower court decisions.

Fridman studied law at St. John’s College in Oxford and earned a BA, BCL and MA from the University of Oxford. He received his Master of Laws from the University of Adelaide in South Australia. Fridman was admitted as barrister-at-law in the Middle Temple in London, England; as barrister and solicitor of the Supreme Court of South Australia; and as barrister and solicitor in Alberta and Ontario; he is also a former Ontario Queen’s Counsel.

Fridman joined Western’s Faculty of Law

in 1975 and became an emeritus professor in 1994. Since then, he has maintained an office in the faculty and continues to spend much of his time there.

“The ongoing development of the law, it would seem, has precluded retirement,” said Western Law Professor Stephen Pitel. “Gerald’s ongoing commitment to research continues to benefit the private law scholars currently teaching and researching at Western. We are very fortunate to have him as a colleague.”

In 1992-93, Fridman was the Editor-in-Chief of the *Ontario Reports*. He is the former Director of the Alberta Institute of Law Research and Reform and former member and researcher for the Contract Law Reform Project. He is the author of more than 30 books, including several seminal works that continue to be used today at Western Law.

VISITING FELLOW IN MINING LAW NAMED

Daniela Chimisso dos Santos has been appointed the Stephen Dattels Visiting Fellow in Mining and Finance Law commencing January 1, 2017.

Dos Santos has practised law in the extractive industries (oil, gas, and mining) for more than 15 years. She has extensive national and international experience, including in South America, Sub-Saharan Africa and Asia. At her last position as Deputy General Counsel for a global mining company, Daniela led a team of more than 45 lawyers working in 11 jurisdictions.

“We are delighted that Daniela, with her breadth of experience and knowledge, will be joining our faculty this year. We have a rich and growing business law program that will



DANIELA CHIMISSO DOS SANTOS

be enhanced by her particular capabilities in finance and sustainable development,” says

Dean Iain Scott.

In 2015-2016, Chimisso dos Santos was a Doctoral

Fellow for the International Law Research Program at the Centre for International Governance Innovation. Her research interests include mining finance and law, resource development and law and sustainable development.

At Western Law, in addition to her teaching and research responsibilities, Dos Santos will assist in the coordination of activities with the Yamana Centre for Sustainable Exploration and Resource Development and be the faculty lead for the Global Sustainability Certification program. She will also participate in the design and preparation of a program of graduate studies in mining law and sustainable development.

She holds an LLB (Osgoode Hall Law School) LLM in Natural Resource, Energy and Environmental Law (University of Calgary) and is an SJD candidate at the University of Toronto.

SUSTAINABLE DEVELOPMENT FOCUS OF VISITING PROFESSOR

David Grinlinton of the University of Auckland has been appointed as the Cassels Brock Visiting Professor in Mining Law & Finance at Western Law.

Grinlinton will be joining Western Law’s faculty for a three-year term and will also contribute to the activities of the recently established interdisciplinary Yamana Centre for Sustainable Exploration and Resource Development.

“David brings to us a tremendous depth of expertise in the sustainable development area and we are delighted to welcome him back to our faculty,” says Dean Iain Scott.

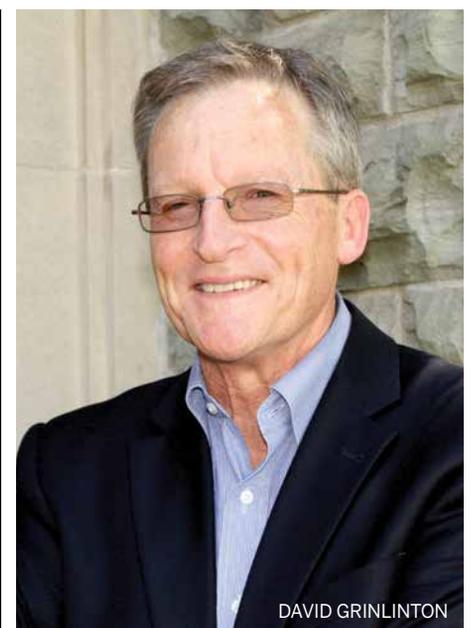
A professor at the University of Auckland’s Faculty of Law since 1990, Grinlinton’s research focuses on the tensions between private property rights and the public interest in natural resource conflicts. He also explores ways in which

legal processes and regulation can encourage a greater uptake of renewable energy alternatives.

He has published widely in these areas and is a regular presenter at international conferences and symposia. Prior to his academic career, Grinlinton had worked in the mining industry in Australia and the oil and gas sector in the U.K.

“Canada is a world leader in mining, energy and extractive industries, so this is a very exciting opportunity to be involved in exploring ways to apply sustainability principles more effectively in this area,” says Professor Grinlinton.

Grinlinton is a founding member of the New Zealand Centre for Environmental Law and a member of the editorial board of the *New Zealand Journal of Environmental Law*.



DAVID GRINLINTON

TOP THINK TANK SCHOLARSHIP TO PhD STUDENT

A prestigious scholarship gave a Western Law doctoral student the opportunity to research at a leading international law think tank on international governance.

Lisa Macklem, who is currently pursuing her PhD at Western Law, where she received her JD, was awarded a \$24,000 scholarship to work in residence as part of the International Law Research Program (ILRP) of the Centre for International Governance

Innovation (CIGI).

Macklem's work centres on digital content delivery in the global environment with a focus on the film and television industry. It's an interest that grew out of her background in IP and IT at Western Law and her LLM in entertainment and media law earned at Southwestern Law School in Los Angeles.

The scholarship gave her access to a wide network of CIGI fellows to develop best practices and strategic advice for issues related to international intellectual property, innovation and commercialization laws.

"The Internet is affected by so many international concerns such as security and

overall governance and the global economy," she says. "It's terrific to engage with experts in regulation, policy, economics, intellectual property and the law at the Centre."

Macklem's goals include policy development, particularly in relation to Canada's digital economy, and cultural concerns as well as the global impact of IP regulation.

"We are very excited about Lisa's research," says Associate Dean Erika Chamberlain. "The CIGI doctoral fellowship gave Lisa the opportunity to connect with a broad range of fellows and to produce scholarship with a real-world impact."

SPORT SOLUTION CLINIC RECEIVES JUMPSTART

A unique clinic at Western Law received a boost with the appointment of Layth Gafoor as supervising lawyer at the school's Sport Solution Clinic.

The clinic, a program of AthletesCAN, the association of Canada's National Team and Olympic Athletes, offers Western Law students the opportunity to assist Canada's high-performance athletes with internal national team appeals, including team selection and carding disputes.

The students provide resources and advice as well as help athletes navigate the daunting administrative process. Sport Solution students also provide advocacy to support athletes during their appeals.

Gafoor is the managing partner of Lucentem Sports & Entertainment Law, a Toronto-based firm that represents sporting organizations, teams, elite professional athletes and artists.

Gafoor brings with him a wealth of experience in the area of sports law.

A frequent media commentator on national and international sports stories, he regularly lectures at leading universities throughout North America in the area of comparative American and Canadian jurisprudence as it relates to sports.

He has also experienced life on the other side, having competed on the national kickboxing team and competed as an amateur boxer provincially.

"I'm very excited about the chance to work at the clinic and build on the excellent foundation established by Prof. Richard McLaren when he helped create the clinic," says Gafoor.

Gafoor plans to modernize the clinic's processes and revitalize it as a strong educational and advocacy tool for students working with Canada's top high-performance athletes. "I want to create a more systematic approach in how

we manage our files and provide direct supervision to the students who will be staffing the clinic," he says.

Gafoor brought two more case managers on board this summer and hopes to engage more students in the work of the clinic.

"I want to show them that working with athletes is rewarding and challenging work."

"I want to create a more systematic approach in how we manage our files and provide direct supervision to the students who will be staffing the clinic."

LAYTH GAFOOR



LAYTH GAFOOR

LITIGATION SPEAKER SERIES LAUNCHED

A new speaker series hosted by Western Law is giving students insight into the practical skills needed to become effective litigators. The “Litigator-Aid” lunchtime speaker series takes advantage of the wealth of litigation expertise in the London area.

Associate Dean (Academic) Erika Chamberlain, who coordinated the series, says she was overwhelmed by the positive response from the local Bar. “Western Law students are very fortunate to gain expertise from a wide variety of leading litigators, including those engaged in insurance defence, commercial litigation, professional liability, and class actions,” she said.

The series complements Western Law’s new curricular stream in litigation, which also includes substantive law courses, clinical opportunities and advocacy competitions.

The series kicked off last September with John McNair, LLB’80, from McKenzie Lake Lawyers, who spoke on “Anatomy of a Civil Action.” McNair’s experience includes working as a Deputy Chief Prosecutor in Bosnia-Herzegovina.

Other speakers in the series included: Justice Alan Bryant of the Superior Court of Justice and former Western Law Professor; Vicki Edgar, LLB’88 (Cohen Highley); Lucy Lee (Cohen Highley); Paula Lombardi, LLB’01 (Siskinds); Michael Lerner, LLB’72 (Lerners); Ted Madison, LLB’75 (Miller Thomson); and Jill McCartney, LLB’04 (Siskinds).

NEW FACULTY APPOINTMENTS ANNOUNCED

Dean Iain Scott is pleased to announce the appointments of Claire Houston, Asad Kiyani and Wade Wright as tenure-track professors at Western’s Faculty of Law.

“We are delighted to welcome three emerging scholars to our ranks,” says Dean Scott. “It’s an exciting and positive step for our students and faculty to add the diversity of experience and research interests of our new faculty, Claire Houston, Asad Kiyani and Wade Wright to our existing complement.”



Claire Houston, an SSHRC doctoral fellow, is currently completing her SJD at Harvard Law School and will join Western Law in July 2017. Her primary research and teaching interests lie in family law, children’s law, criminal and constitutional law and feminist legal theory. Claire completed her articles in Ontario and clerked for Justices of the Ontario Court of Appeal in 2008-2009 following her graduation from the Faculty of Law, Queen’s University.



Asad Kiyani has successfully completed his PhD at the University of British Columbia and is currently teaching Criminal Law and Evidence at Western Law. His teaching and research interests draw on the relationship between domestic and transnational criminal legal systems. Kiyani articulated with the Department of Justice and has also worked in legal clinics inside and outside of Canada. He obtained his LLM in International Law from the University Cambridge in 2008. His appointment is effective July 1, 2016.



Wade Wright completed his JSD at Columbia Law School in 2014 and is currently an SSHRC Postdoctoral Fellow at the Faculty of Law, University of Toronto. A Gold Medallist from Osgoode, Wright clerked for Beverley McLachlin, Chief Justice of the Supreme Court of Canada. His research and teaching interests lie principally in Canadian and comparative constitutional law, with a particular focus on federalism. Along with Peter Hogg and Patrick Monahan, he is the co-author of the fourth edition of *Liability of the Crown* (Carswell, 2011). Wright joined the Faculty on July 1, 2016.

BENJAMIN ZIPURSKY LECTURES ON ONLINE DEFAMATION

Benjamin Zipursky, professor of law and holder of the James H. Quinn '49 chair in legal ethics at Fordham Law School, offered a nuanced critique of the current state of American law with respect to online defamatory statements as part of Western's Tort Law Research Group's public lecture series on February 29.

Zipursky, a leading scholar in tort law, tort theory and jurisprudence, argued the law as it stands has essentially eviscerated the republication rule, meaning that a third party receiving defamatory material from another party can republish that information online with impunity.

His research exposes a serious gap in legal protection for private individuals. Given the state of the American law, a third party in receipt of an email containing defamatory statements about another individual can republish that email by posting it online, thereby making it accessible to countless other individuals, without any fear of liability



PROFS. ANDREW BOTTERELL, ZOE SINEL, JASON NEYERS, BENJAMIN ZIPURSKY AND STEPHEN PITEL

for the republication.

In light of the more serious and widespread damage to one's reputation that the Internet makes possible, this gap should concern us greatly, he argued.

Legate and Associates LLP generously sponsors the Tort Law Research Group's

public lecture series. Founding lawyer Barbara Legate, LLB'79, a graduate of Western Law, has argued significant cases in a wide variety of situations, from administrative tribunals to the Ontario Court of Appeal.

WESTERN LAW BRINGS HOME HICKS CUP

The team of Michael Barrett JD'16 and Jessica He JD'16 are the winners of the 2016 Hicks Morley Cup. The annual provincial labour law moot competition was held in Toronto on April 1 and is sponsored by Hicks Morley LLP, Canada's largest labour law boutique firm.

The moot provides an opportunity for students from Ontario law schools to litigate current legal issues of significance in the areas of human resources law and administrative law. This year, teams from five law schools from across Ontario competed before panels of judges drawn from the firm.

Competing against teams from Queen's University, the



MICHAEL BARRETT AND JESSICA HE

University of Windsor, Osgoode Hall and the University of Ottawa. Barrett and He argued the management side on two issues – "just cause" and the appropriate standard of review for labour arbitration decisions – that were derived from *Wilson v. Atomic Energy of Canada Inc.*, a federal jurisdiction dismissal case recently argued before the Supreme Court of Canada.

"Jessica and Michael both delivered an outstanding performance during their preliminary round and repeated this advocacy excellence in the finals against one of the Queen's teams," says Professor Michael Lynk. "We are very proud of their accomplishment."

Many years ago, Richard McLaren HBA'68, LLB'71, decided to change the world.

"I read a book by a man named Louis Nizer," McLaren said of the American lawyer whose autobiography topped the *New York Times* best-seller list for 72 weeks in the 1960s. "That man was involved in all the huge legal battles of the commercial world in the 1950s. I was fascinated by that."

My Life in Court sparked McLaren's initial interest in law and, subsequently, influenced him to go to law school.

Half a century later, the Western law professor has become one of the strongest voices in international sport, having placed his stamp on inquiries ranging from steroids in Major League Baseball to drug testing cover-ups by USA Track & Field to widespread cheating by Russian athletes on the eve of the 2016 Rio Summer Olympics.

The boldest headlines bearing his name began appearing a year ago, when the World Anti-Doping Agency's (WADA) independent commission released a scathing report accusing many of Russia's top track and field athletes of participating in a systematic doping program. Along with

MAN ON A MISSION

From generating world headlines with two groundbreaking WADA doping reports, to his appointment to the Order of Canada, alumnus and law professor Richard McLaren has had a stellar year.

BY SUSANNA EAYRS

the athletes, the report said, coaches, trainers, doctors and even the Russian government were all part of the widespread cheating scandal. McLaren was one of three WADA independent commissioners who authored the report. Dick Pound LLD'04, and Gunter Younger rounded out the commission.

Born out of a 2014 German documentary, *Top Secret Doping: How Russia Makes Its Winners*,

the 323-page WADA report concluded the acceptance of cheating at all levels is widespread in Russia, with a well-established system of state-sponsored doping within the All-Russia Athletics Federation (ARAF), the governing body for the sport of athletics in Russia.

"I started off being very skeptical about what was shown in the documentary," McLaren said. "Gradually, my views

changed. Then, as it got deeper and deeper, I became surprised at the extent of what was going on. I guess I'm over the shock value and disappointment. I've been working in this field for the better part of a decade and a half. In that sense, nothing in the doping world shocks me. It's pretty unusual to be surprised. But I was surprised by the state-run aspect of this."

Released in June 2016, a second report – this one led by McLaren – found that the Russian government, as well as its security services and sporting authorities, colluded to hide widespread doping across "a vast majority" of winter and summer sports, including the 2014 Winter Olympics in Sochi.

Despite these dual findings, however, the International Olympic Committee (IOC) allowed Russian athletes to compete at the 2016 Rio Summer Olympics.

Nevertheless, what McLaren helped expose has been applauded across sports – and beyond.

"It's fascinating to be on a commission that had the resources to do what we did and to come to these conclusions and then for them to have the impact they have had. Very few of these commissions have had the impact we had. There are



royal commissions in this country that make huge recommendations and have zero impact," McLaren said.

"When you make recommendations and within five days the entire sports world has done a 180-degree change and implemented every single recommendation, that is a pretty high note."

Pound called McLaren a world leader in sports arbitration, a fact that speaks to McLaren's good judgment and wealth of experience. "All around the world, there are people who have heard of this Canadian," Pound said of McLaren.

Just weeks before he was named to the WADA Commission, the long-time Western Law professor and commercial litigator with McKenzie Lake Lawyers LLP was named an officer to the Order of Canada for "his contributions to sports law and arbitration, alternative dispute resolution and legal education as an internationally renowned lawyer and professor."

"It was a completely unexpected honour and I am absolutely thrilled," said McLaren, CEO of the consulting firm McLaren Global Sports Solutions.

McLaren began his practice in the labour and commercial law fields prior to joining the National Hockey League's Players' Association (NHLPA). It took "a bit of luck" to enter the world of sports arbitration.

In the early 1990s, the NHL and the NHLPA set up a new legal regime

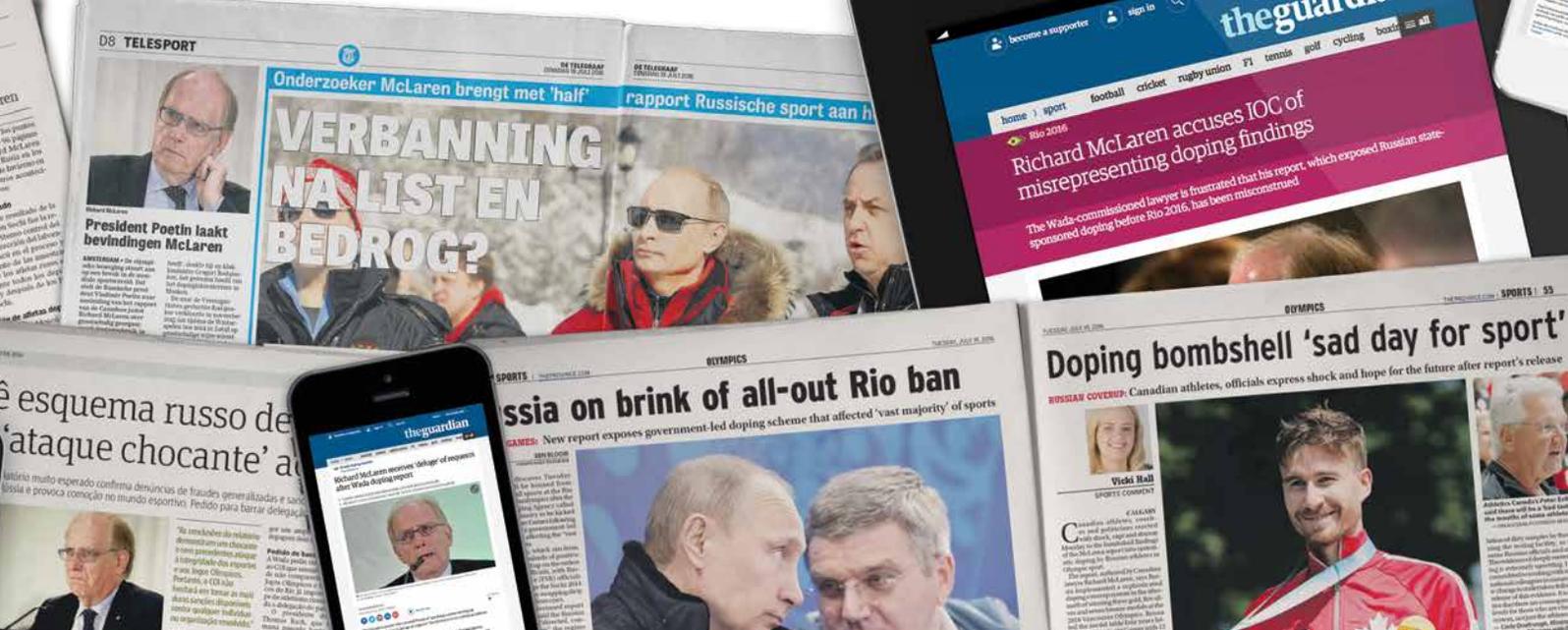
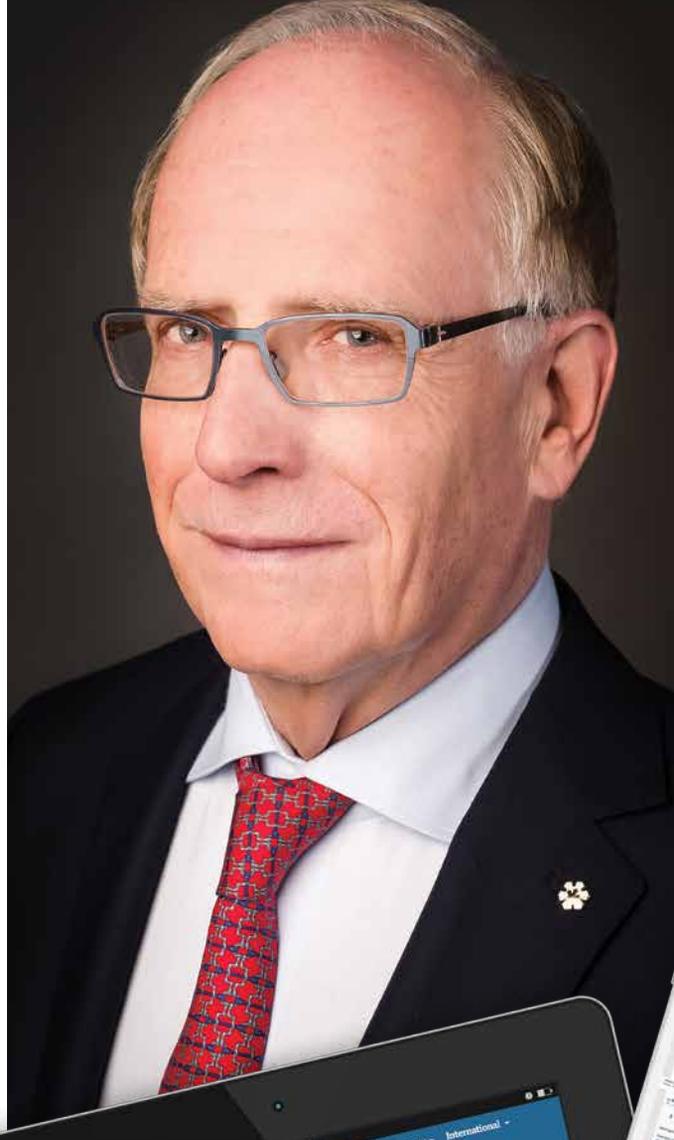
for pro-hockey collective bargaining. They decided to create a new group of salary arbitrators – clubs couldn't seem to agree with the players as to what they should be paid. Each side made a list of eight arbitrator candidates and agreed to strike four names from the opposing side's list.

"I survived the cut," McLaren said of how it began. "Once it started to happen, I took advantage of it."

A long-standing member of the International Court of Arbitration for Sport (CAS), the world supreme court of sports disputes, McLaren joined former U.S. Sen. George J. Mitchell in the Major League Baseball inquiry into the use of steroids, which culminated in the famed *Mitchell Report* in 2007. McLaren also led the investigation for the United States Olympic Committee (USOC) into alleged drug testing cover-ups by USA Track & Field following the 2000 Sydney Summer Olympics.

He has been an influential law professor at Western for more than 30 years and a mentor to many students known as "McLarenites." He advises future lawyers to be the best lawyers they can be, seize opportunities when they come and the rest will follow. **WVL**

Anastasiya Jogonal of Canadian Lawyer magazine and Paul Mayne of Western News contributed to this report.





“In fencing, you are out there, figuratively trying to kill each other. And then, when you are done, you shake hands and go have a beer. Diplomats are like that, too.”

SABINE NOLKE

DIplomacy BY OTHER MEANS

Sabine Nolke, LLB'85 stands "en garde" as Canada's Ambassador to the Netherlands

BY SUSANNA EAYRS

The games Sabine Nolke plays these days require a similar mentality to her fencing days – respect for your opponent.

"I have brought a respect for the person on the other side of the 'piste' to the world of diplomacy. That has been very useful for me," explained Nolke, a former world-class fencer and current Ambassador of Canada to the Netherlands.

"In fencing, you are out there, figuratively trying to kill each other. And then, when you are done, you shake hands and go have a beer. Diplomats are like that, too. We argue with each other on behalf of our respective countries that sometimes may be on opposite sides politically. And then, when we are done with our meetings, we go have a beer."

For the last 30 years, the lessons learned from sport have given the German-born Nolke, BA'78, MA'80, LLB'85, a perspective that has served her well in her long and impressive career with Foreign Affairs.

At Western, Nolke enjoyed the rigours of her legal education, particularly corporate law professor Bruce Welling's classes which she described as "always fun and intellectually challenging." There, she learned to see both – or all – sides of a story.

"In multilateral diplomacy, you need to see 193 countries' perspectives. That is a skill I brought out of law school," she said.

She worked at Western's legal clinic in third year

and enjoyed the hands-on experience of being in a courtroom. "I'm a doer, not a sit-in-the-class listener," she said.

But it was on the piste – that 14-metre-long, 2-metre-wide playing surface for fencing – where she discovered a sport that sharpened her mind and developed her formidable negotiating skills.

Nolke was a member of the 1979 and 1980 Ontario Women's Interuniversity Athletic Association (OWIAA) foil championship teams. In 1987, she was Eastern Canada champion and came in third at the Canadian Nationals. From 1987-92, she competed in numerous World Cups, until an injury forced her to retire.

She continued her involvement as an internationally licensed referee until 1996, when she says her law career got the better of her.

"Fencing is a highly tactical and technical sport requiring a lot of patience and skill. You have to develop a lot through practice before you can start winning matches," she explained. "It requires patience and an elaborate skill set. Diplomacy is like that as well. You have to learn how to read people.

"You need to have a certain amount of trust with your 'opponents', the other diplomats. You can make your point much more effectively, and you also can negotiate much more substantively, when they know you can be trusted. The competitiveness and respect inherent in fencing has helped me as a negotiator."

After graduation, Nolke worked in a law firm, though quickly became disillusioned with private practice. She sought out other options. When her



husband, fellow Mustang fencer Christopher Ram, secured a job with the Department of Justice, she moved with him to Ottawa, wrote the foreign service exam and was offered a position in the legal bureau of Foreign Affairs.

She quickly “fell in love with international law” and has pursued that career path ever since.

Nolke has held a series of positions, including Director of the United Nations, Human Rights and Economic Law Division, and as Director-General of the Non-Proliferation and Security Threat Reduction Bureau. She is currently Canada’s Ambassador to the Kingdom of the Netherlands, Permanent Representative to the Organization for the Prohibition of Chemical Weapons (OPCW), and represents Canada’s interests at the international courts and legal institutions based in The Hague.

She got in on the ground floor of the development of the international criminal tribunals, working at Foreign Affairs in the 1990s at the time of the Bosnian and Rwandan genocides. She drafted submissions for the International Criminal Tribunal for the former Yugoslavia – the first international criminal tribunal since Nuremberg – on its rules of procedure and evidence. A number of those rules made it into the tribunal and the subsequent Rwanda tribunal, and helped lead to convictions.

From 1999-2004, Nolke was co-counsel in *Legality of Use of Force (Serbia and Montenegro v. Canada)* before the International Court of Justice (ICJ).

“Being before the ICJ is the ‘Holy Grail of international law’ and was pretty exciting,” said Nolke, a recipient of a Minister of Foreign Affairs Award for Foreign Policy Excellence for her work on the Kosovo crisis.

Although she works with the tribunals in her current role as ambassador, she now does so in a policy capacity rather than as counsel, and has suspended her membership in the Law Society as a result.

In her current role with the OPCW, she works on a wide range of critical issues, including ensuring chemical weapons do not fall in the hands of non-state actors, such as ISIS; preventing use in conflicts, such as in Syria; and working with developing states on enhancing their capacity to comply with their obligations under the Chemical Weapons Convention.

As ambassador, she says it’s important



to present a positive image of Canada, but admits in the Netherlands, that goal is not hard to accomplish. “People genuinely have a love for Canada in the Netherlands. Canada is still remembered for liberating the country,” she said, “and for sheltering members of the royal family during the war.”

It does, however, present a unique opportunity to take the relationship forward and “not just rely on past glories, but build on that goodwill for the benefit of Canadians and Canadian businesses.”

Nolke says Canada and the Netherlands integrate extremely well in terms of technology, innovation, business, educational exchanges and sustainable energy.

“Our challenge is to capitalize on all that we have in common in new and exciting ways,” she said. “And that challenge is a huge opportunity and a privilege for me.” **WL**

Closing the Deal

BY DREW HASSELBACK

Two recent Western Law grads create a successful digital start-up to tackle a paper headache

Strange things happen to anyone who spends 40 consecutive days working until 4 a.m. on legal transactions. For Sahil Zaman, fresh out of Western Law in 2012, a string of 40 stress-filled all-nighters fired up his entrepreneurial spirit. There has to be another way to do deals, he thought. Why not use technology to make this job easier?

He took his question to Gordon Cassie, a friend since their first-year small group at Western Law. Cassie, a self-described “hobbyist” computer programmer, recognized they could indeed tackle the issue with technology. The result is Closing Folders Inc., a now successful computer start-up that Zaman and Cassie launched in 2013.

Closing Folders uses the cloud to centralize where all deal documents can be accessed at any time by any lawyers working on a transaction. Because it’s digital, the system does away with the need for paper. Even signatures can be scanned and applied electronically.

And at its heart, the key to Closing Folders is that it’s designed by lawyers, for lawyers. That means it offers solutions to the specific, real-world nightmares that Zaman and Cassie encountered in their days doing deals on Bay Street.

“We create signing packages,” Zaman says. “That’s a time intensive, very manual process that can produce a lot of errors. Closing Folders does that automatically for you.”

Those who have worked on a big M&A transaction will recognize the significance of the company name. On closing day, the parties and their lawyers gather in a boardroom. Dozens of file folders line the edges of the boardroom table. Each folder contains documents that finalize a specific aspect of the transaction. The parties circle the table and sign documents by hand.

It can be a wonderful moment following a long, arduous transaction. But for those who have been through a big deal, the sight of all those folders lined up along the table



ILLUSTRATION BY NADA SERAFIMOVIC

underscores the complexity of a closing. It can take hundreds of hours to draft all those documents and it can take dozens more hours to get the right documents in the right folders and assemble them into those neat little rows. And since the documents go through multiple revisions and emerge from a variety of sources, it’s incredibly easy to lose the final version of the document that needs to make the table.

Closing Folders keeps track of it all. The documents are stored in the cloud, which all lawyers working on the deal can simultaneously access in real time. The system keeps all relevant documents packaged together. It also automates a lot of the mundane, mechanical tasks that are based more on elbow grease than legal judgment, such as eyeballing two documents to identify modifications and mark them with black lines.

“When we visit some of our most active

users, they have Closing Folders active on their desktops and they’re consulting it all day,” Cassie says. “So we’re excited about making this as fundamental to the practice of business law as Microsoft Word.”

Zaman and Cassie are applying their own Bay Street experience to the Closing Folders mission. Zaman articulated with Baker & McKenzie in Toronto. Cassie articulated at boutique corporate law shop Wildeboer Dellece, and stayed on a further year as an associate. They quit day-to-day practice in 2013 to launch the company.

To bring Closing Folders together, they set up shop in Ryerson University’s Digital Media Zone (DMZ), an incubator for business ideas located in a small office tower adjacent to Yonge and Dundas Square in Toronto.

Chris Bentley, who practised law in London, then later served as Attorney General for the Government of Ontario,

► now works as a director of Ryerson's Law Practice program. Bentley was present when the two Western grads made their pitch to move into the DMZ. He was impressed.

"They were well on their way by that stage," Bentley says. "It was apparent that they had thought this through, knew some of the technical and professional challenges and had strategies to meet them."

Closing Folders has since moved to its own office, a rented space in the back corner of a Toronto communications firm. There are just five employees, but the company is growing fast. Revenue comes from lawyers and firms who pay an "all you can eat" monthly charge to access the service. If a firm isn't a Closing Folders customer, but is working on a deal with another firm that is, temporary access can be arranged. Zaman says it works well.

"Building a functioning business has been exhilarating," Zaman says. "We have employees. We have clients. We're cash-flow positive. Our growth rate is about 20 per cent, month on month, so it's compounding fast."

At least three of Canada's 10 biggest law firms are now clients. The company has also had success in signing up some in-house legal departments, too. Ottawa-based Shopify Inc. used Closing Folders for its highly successful 2015 initial public offering.

In a testimonial on the Closing Folders website, Erin Zipes, assistant general counsel with Shopify, says the software helped smooth out the IPO. "A boardroom full of paper documents was just not our style," she says. "We were also very happy with the closing books process – it was painless and we had them right away."

Zaman and Cassie credit Western Law with a lot more than just bringing them together in that first-year small group. When they started making cold calls to market the product in 2013, Cassie says their Western law degrees opened a lot of doors. "The alumni are always interested in what we're doing," he says. "I think they had a good experience at school and they really want to help other students who went there."

Current Western Law students are about to see how it all works for themselves. Closing Folders is donating software licences to Western Law so students in business law transaction courses, such as Mergers and Acquisitions and Art of the Deal, can get a hands-on feel.

"Western Law's students will gain phenomenal experience using this software for closing business law transactions that will set them up well for their future careers. This is further support for our leading business law program," says Iain Scott, Dean of Western Law.

And maybe, just maybe, it means future young deal lawyers will be able to sleep a little bit easier. **WL**

Drew Hasselback, LLB'96 is Legal Editor of the Financial Post.





“When we visit some of our most active users, they have Closing Folders active on their desktops and they’re consulting it all day. So we’re excited about making this as fundamental to the practice of business law as Microsoft Word.”

GORDON CASSIE



An unconventional path

As a new Liberal MP, Filomena Tassi, LLB'86, advocates for citizens and youth with conviction and an open heart

BY MARK WITTEN

Grassroots politics have been in Filomena Tassi's blood from the start. Tassi, LLB'86, the daughter of a Hamilton steelworker father, was raised in a family where her mother and grandmother often took people in need into their home to feed them.

For years, her mother Irene ran the constituency office of the late John Munro, the long-time Hamilton MP and Cabinet Minister in former Prime Minister Pierre Trudeau's government. Growing up in a staunch Liberal family, Tassi worked in the office with her mother and knocked on doors with her father during campaigns. She says her work today as a rookie MP for Hamilton West-Ancaster-Dundas was rooted in those years.

"I believe strongly in a new politics of hope. There's a lot of cynicism about politics and too many Canadians don't believe politicians are interested in service. That's what I want to change," she says. "My biggest dream and desire is to have people see an MP as a person who serves. I am here to serve people. I want them to be engaged and through their engagement, the country will do better."

Tassi learned early on in law school that a legal education could prepare her for unexpected paths. "I wasn't sure if I should be there and didn't know if practising law was what I should be doing with my life," Tassi says.

At Western, she turned to Eileen Gillese, a former Western Law Dean and current Ontario Court of Appeal Justice, for advice. "I admired her and she did whatever she could to encourage students," Tassi says. "Her message was that the education you'll get is invaluable. It's not about being the best lawyer – [it's] the skill set you acquire."

Tassi was motivated to make the most of her Western Law education and she eventually pursued roles in public service as a chaplaincy leader, school trustee and politician – roles that she might not otherwise have taken if not for Gillese's influence.

"Professor Gillese built up my confidence when I needed it – and was right. You learn to prepare arguments, advocate for people and be able to see both sides of an argument. I've used the skills

I acquired in law school in each of the professions I've had," she says.

After practising corporate commercial, real estate and estate law in Hamilton for six years, Tassi pursued further education to help guide her "passion to serve." She earned a master's degree in religious education from St. Michael's College at the University of Toronto.

"I always like to be challenged intellectually," she says. "The focus was on ethics and trying to make decisions on what is right, just and good. It opened up my thinking."

In 1995, she became a chaplain at St. Mary Catholic Secondary School in Hamilton followed by Bishop Tonnos Catholic Secondary School in Ancaster, mentoring youth and families. As a high school chaplain for 20 years, Tassi supported students through their struggles and advocated for youth to realize their full potential – just as Gillese had done for her.

She co-founded and implemented the Catholic Leadership Interdisciplinary Program, a high school program based on social justice issues, global poverty and service learning in the Third World.

"Youth are brilliant and resilient and have a strong sense of justice, fairness and a desire to change the world," Tassi says. "I saw my role as a chaplain and now as an MP to provide youth with the opportunity to show the world what they can do."

After being approached to run federally, Tassi beat five other candidates on the fifth ballot to land the Liberal nomination and won by a margin of nearly 10,000 votes over the second-place Conservative candidate in 2015.

Tassi brings together the complementary skills and attributes of a lawyer and school chaplain to her new role as an MP. She has the advocacy skills and legal knowledge to be an effective legislator in Parliament and the open heart and listening skills to be the voice of her constituents.

"You can best serve people as a lawyer, chaplain or an MP when you are willing to listen to people and hear their arguments without judgment," she says. **WL**

"I believe strongly in a new politics of hope. There's a lot of cynicism about politics and too many Canadians don't believe politicians are interested in service. That's what I want to change."

Filomena Tassi



TEN QUESTIONS FOR **SUNIL GURMUKH, LLB'08** *Counsel, Ontario Human Rights Commission*

“It’s easy to wake up in the morning, come to work and work hard when you know the Commission is tasked with preventing systemic discrimination.”



SUNIL GURMUKH

1 What is top of your bucket list?
Bungee jumping! I went skydiving in 1L and got a tattoo in 2L, but didn't check off the last item on my extreme bucket list in 3L.

2 What is the best piece of advice you ever received?
"Forget the wind-up and make the pitch." It's an article by Justice Laskin and it is the Holy Grail of writing more persuasive factums. It's required reading by senior counsel at the Commission, Tony Griffin, and it has made me a much better advocate. It made a huge difference when I drafted the Commission's factum in *Peel Law Association v. Pieters*, a seminal racial profiling case at the Ontario Court of Appeal. Plus, I love baseball.

3 What motivates you?
It's easy to wake up in the morning, come to work and work hard when you know the Commission is tasked with preventing systemic discrimination. Making a difference in the lives of vulnerable people who are protected by the *Human Rights Code* is more than enough motivation. Sometimes it gets tiring because discrimination does not take a day off.

4 What surprises you?
My wife's limitless creativity. We wanted modern South Asian art in our home, so Monica decided to create it herself and made some stunning pieces. I wrote a children's book for our best friends, and she illustrated it beautifully. Now she's moved on to designing hip Canadiana for the family souvenir business, Gary Gurmukh Sales Ltd. I can't believe I never knew about her talent before we got married.

5 How are you making a difference?
By fighting racial profiling. I educate racialized youth on their right to be free from racial profiling, litigate to advance the jurisprudence (e.g., my advocacy resulted in important precedents being set about the discriminatory use of race in suspect selection and the devastating impact of racial profiling), and urge the provincial government and police services to adopt appropriate policies

and accountability mechanisms to end racial profiling. I've seen some changes, but we have a long way to go.

6 What is the biggest challenge you face in your work?
Test case litigation is a significant challenge, but it also makes my work exciting. I'm always trying to push the envelope and have to address novel issues. None of my cases are the same and there is no clear path.

7 What is your favourite journey?
Walking across the street to my parents' condo. I'm living the South Asian version of *Everybody Loves Raymond*, and I'm Raymond.

8 What profession other than your own would you like to attempt?
If I wasn't a human rights lawyer, I'd be an importer-exporter. I hear Art Vandelay is making a killing.

9 Who are your heroes?
Martin Luther King Jr., Aziz Ansari and my father.

10 You have 60 seconds with a first-year law student. What do you tell him/her?
Network effectively. Don't go straight for the business card. Make a connection and you will be remembered. Don't forget to pay it forward later in your career.

The Commission can't fight discrimination alone. As a soon-to-be member of the legal profession, you have a special role to recognize and protect the dignity of individuals and the diversity of the community in Ontario.

FULBRIGHT SCHOLAR HONOUR AWARDED TO CHRISTOPHER NICHOLLS

Western Law professor Christopher Nicholls has been selected as a 2016-17 Fulbright Scholar and will be a visiting professor at the Harvard Law School for the upcoming fall term.

The Canada-U.S. Fulbright Scholar Awards enable outstanding Canadian scholars to lecture and/or conduct research in the United States.

"Fulbright scholars are the best and brightest minds in North America and we are extremely proud that Chris has been awarded this prestigious opportunity," says Dean Iain Scott.

Regarded as the world's premiere academic exchange program, the Fulbright awards offer a unique opportunity to explore a wide range of scholarly issues, including important contemporary issues that are relevant to Canada, to the United States, and to the relationship between the two countries.

While at Harvard, Nicholls will explore a century-long corporate governance question: how should law best ensure that corporations serve society? His research topic is entitled "Borders, boundaries and bundles in comparative corporate governance:



Canadian and U.S. approaches to defining and regulating corporate purpose."

While at Harvard, Professor Nicholls will also co-teach a course in comparative corporate law, finance and governance with Professor Reinier Kraakman, the Ezra Ripley Thayer Professor of Law at Harvard Law School.

Nicholls holds the W. Geoff Beattie Chair in Corporate Law and is Director of Business Law at Western Law. He is head of research & policy for the Capital Markets Institute at the Rotman School of Management; a Research Fellow with the Filene Research

Institute in Madison, Wisconsin; a member of the editorial advisory board for the *Canadian Business Law Journal*; and a public director and Vice Chair of the Board of the Mutual Fund Dealers Association of Canada.

He is the author of numerous articles in the business law field as well as six books. His most recent, *Back from the Brink: Lessons from the Canadian Asset-Backed Commercial Paper Crisis*, co-authored with Paul Halpern, Caroline Cakebread and Poonam Puri, was published by the University of Toronto Press in June, 2016.

GENDER-BASED CRIMES FOCUS OF RESEARCH GRANTS

Associate Dean Valerie Oosterveld is part of a team awarded a \$2.5-million SSHRC Partnership Grant. The project is titled "Strengthening Justice for International Crimes: A Canadian Partnership" and the grant will run for five years. Headed by Laval University's Faculty of Law and the Canadian Centre for International Justice, the partnership involves a mix of academic institutions and nongovernmental organizations across Canada.

The project will focus on criminal, civil and administrative/quasi-judicial remedies in Canada, other states and the International Criminal Court for genocide, crimes against humanity and war crimes. Oosterveld will lead the research on sexual and gender-based violence.

Additionally, Oosterveld has been awarded 25,000 EUR by UN Women to gather, record and analyze the lessons learned by the United Nations-backed Special Court for Sierra Leone on the prosecution of sexual and gender-based violence stemming from the brutal West African civil war best known for producing "blood diamonds."

"Both grants will lead to a deeper understanding of how to prosecute serious gender-based crimes, such as rape and sexual slavery, in the context of war and mass atrocity," says Oosterveld. "I'm very pleased to be a part of two projects which will advance how international criminal law comprehends and addresses the serious impact of this type of violence."

NEW FOUNDATION GRANTS SUPPORT LEGAL RESEARCH

New grants from two different foundations will help further the research of two Western Law professors.



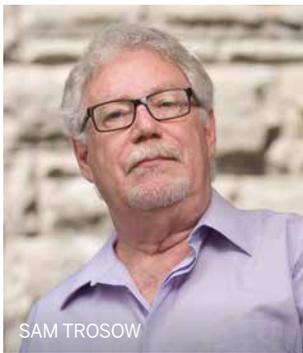
COLIN CAMPBELL

Professor Colin Campbell has been awarded a grant from the Canadian Tax Foundation. The grant will be used to hire a research assistant this summer in connection with his work on the history of the federal income tax in Canada, 1917-48.

Campbell is writing a book with Robert Raizenne, a tax partner at Osler,

Hoskin & Harcourt LLP and adjunct professor at McGill's Faculty of Law. The book will analyze the circumstances that gave rise to the tax and the evolution of its technical provisions. The two will present a paper at the Canadian Income Tax Centennial Symposium (sponsored by the Canadian Tax Foundation) in May.

The target publication date for the book is 2017, the 100th anniversary of the enactment of the Income War Tax Act.



SAM TROSOW

Professor Sam Trosow (left) has secured a grant from the Foundation for Legal Research for a research project titled "The Internet of Things (IoT): Implications for Consumer Privacy under Canadian Law."

New digital products and services ranging from smart home appliances to wearable personal health

devices are promising to bring the benefits of real-time network connectivity to a range of everyday activities. At the same time, the ability of advanced information systems to collect, store, evaluate, transmit and reuse vast amounts of data linked to the personal activities of individuals has very serious implications for security and privacy.

Trosow's study will examine these phenomena through the lens of the Canadian law of privacy and ask the question: "To what extent is the emerging IoT compliant with Canadian privacy laws and regulations?"

SECK LAUDED FOR ENVIRONMENTAL LAW RESEARCH



SARA SECK

Professor Sara Seck has been awarded the prestigious Emerging Scholar award by the International Union for the Conservation of Nature (IUCN)'s Academy of Environmental Law. The award is targeted at those who have held an academic position for 10 years or less.

"This is an immensely meaningful award for me as environmental concerns are always at the heart of my work and the IUCN Academy of Environmental Law is clearly the global voice for the environmental community," says Seck.

The award recognizes scholars whose publications, commissioned policy reports, studies or other activities advance research in environmental law.

"We congratulate Professor Seck on this award, which highlights the strength of her scholarly contributions in the fast-developing field of international environmental law," says Associate Dean Valerie Oosterveld.

Seck, an associate professor at Western Law, researches and teaches in the area of corporate social responsibility, international environmental, human rights, and sustainable development law, climate change and indigenous law, often with a focus on extractive industries.

In May 2015, she was appointed a Senior Fellow with the International Law Research Program (ILRP) of the Centre for International Governance Innovation (CIGI). She is a member of the International Law Association's Study Group on Due Diligence in International Law and the Study Group on Business and Human Rights.

One of the award reviewers described Seck's contribution to the environmental law arena: "[She has] an admirable balance between analysis and advocacy and engagement with third-world approaches to international law. Professor Seck addresses the failure of international environmental law to engage with the harmful environmental impacts of transnational corporate conduct, questioning the view that intra-territorial environmental harm lies outside the purview of the discipline."

UNIQUE TORT EXPLORED IN NEW BOOK



ERIKA CHAMBERLAIN

The idea for Professor Erika Chamberlain's new book, *Misfeasance in a Public Office*, was sparked years ago while Chamberlain was clerking at the Supreme Court of Canada.

During her clerkship, Chamberlain, LLB'01 worked on the Supreme Court's decision in *Odhavji Estate v. Woodhouse* (2003), where a family sued police officers who failed to cooperate with an SIU investigation into their son's shooting death at the hands of police.

The case gave the Supreme Court the opportunity to set out the elements of the modern tort of misfeasance in a public office, including the types of government activity and bad faith that can give rise to a claim.

"It was an extremely important case," says Chamberlain. "Misfeasance is a unique tort with origins in the 1700s, but it needed to be updated to reflect the contemporary administrative state. Following *Odhavji Estate*, there was resurgence in claims against public officers for abuse of power."

The topic intrigued Chamberlain enough to present a paper on it at a major conference on emerging issues in tort law hosted by Western Law in 2006.

In 2009, she received a SSHRC (Social

Sciences and Humanities Research Council of Canada) grant allowing her to undertake further research for the book.

"There are not many people who write in this area, so the research involved a lot of original investigation," she says. "I was able to apply more general tort theories to an underexplored area."

Her book, published by Carswell, explains the history of this tort and assesses its theoretical justifications and framework. It also assesses dozens of contemporary cases from across the Commonwealth, providing a comprehensive reference on the tort's primary elements and its interaction with other areas of tort law.

Chamberlain's book also addresses the future of the misfeasance tort in the modern democratic state. She explained, "The tort is not limited to the traditional conception of abuse of power, but includes a wide range of administrative decision-making by public officers. It serves a sort of ombudsman role."

"This new book highlights Professor Chamberlain's tremendous skill and eminence in this important area of the law," says Dean Iain Scott. "It's a great accomplishment in an already impressive academic career."

SSHRC GRANT SUPPORTS RESEARCH INTO INTELLECTUAL PROPERTY LAW

Professors Margaret Ann Wilkinson (Western Law) and Mistrale Goudreau (Ottawa Faculty of Law – Civil Law Section) are receiving \$109,374 from SSHRC to support four years of research into "The Prism of Corporate Culture and the Protection of Inventions and Data."

Traditionally, intellectual property (IP) law is said to balance (a) giving a just reward to rights holders for inventiveness (patent), creativity (copyright) or unique reputation in the marketplace (trademark); and (b) encouraging fair public access to knowledge of inventions, to creativity and information, and to recognizable symbols associated with specific products and services in the marketplace.

Questions to be tackled include whether recent IP developments skew toward IP features (including corporate asset identification, investment value and marketability) benefitting rights holders. If so, is this true for all devices considered to be part of IP?

Are the goals of copyright exceptions, for instance, matched in modern patent law or in recent IP protections for secrets and technical data? Are current differences, if any, unavoidable (for instance for technological reasons)? Is it necessary, to be defined as IP, that each IP device be similarly balanced? If so, how could this be accomplished?

THE LEGAL IMPLICATIONS OF 3D PRINTING



Professor Margaret Ann Wilkinson has been raising awareness about the wide-reaching legal implications associated with providing

services related to 3D print technology. A primary architect of a full-day workshop on 3D printing held in Toronto last year and a speaker at a subsequent Toronto technology conference, she joined with Jaime Holroyd, JD'11 (Anissimoff Law) to speak to Western Law about the challenges for clients and lawyers ushered in by this new technology.

How does 3D “printing” differ from traditional printing?

Jaime Holroyd (JH) – Think of it as manufacturing rather than printing. What you are really doing with a 3D printer is manufacturing an object, which is why 3D printing triggers a range of intellectual property (IP) and other legal issues that are not raised by traditional printing.

What are the legal implications of 3D printing?

Margaret Ann Wilkinson (MAW) – 3D printers are not analogous to photocopiers. Traditional printing activities generally fall under the *Copyright Act*, but many aspects of 3D printing fall not into copyright but under patent, trademark, economic torts or industrial design. None of these areas of law

have the kinds of personal use or users’ rights exceptions to the rights of rights holders that exist in copyright law.

What problems can arise with 3D printing that compliance with copyright law will not solve?

MAW – 3D printing can result in liability for both the individual using 3D print technology and the institution supplying the 3D print technology. If contracts or agreements were drafted in the context of traditional printing, reproduction or photocopying, or are drafted in the 3D print environment but only cover copyright infringement, they will not be effective to protect individuals or institutions against the other areas of IP and tort liability that 3D printing can pose.

Are you seeing misinformation around this new technology?

MAW – Definitely. This is an emerging technology and many people are hearing only what they want to hear: they equate 3D printing with traditional printing and are under the false impression that there are extensive users’ rights connected with it. This is a misunderstanding.

Is there a mounting risk of liability in Canada in this area?

MAW – Yes. Many educational institutions use this technology in art or engineering

departments. Public libraries across Canada are rapidly making 3D printing technology available as a service to the public. While individuals or institutions may be using public domain software to “print” objects and thus avoid copyright liability, this does not constitute a defence against infringement of other IP rights or in tort. While each infringement or tort might, in itself, be low value, providing the means for thousands of infringements or torts may make an institution an attractive enforcement target. Both York and Laval universities have recently faced IP lawsuits.

What should 3D printing be called?

JH – Perhaps “additive manufacturing” or “personal manufacturing” because, through this process, you are creating objects – for instance film or game characters to which not only copyright but also trademark are attached.

What do lawyers dealing with 3D printing issues need to know?

MAW – Clients are interested in strategies to anticipate and avoid liability when making available access to 3D print technologies. Larger public library systems might employ patent agents to identify older technology that is able to be “3D printed” without infringing patents.



Teed up for retirement

BY SUSANNA EAYRS

When Craig Brown arrived at Western Law in the fall of 1977, he expected to stay a year, maybe two, and then return to his native New Zealand. Four decades later, on the eve of his retirement from Western Law, he looks back on an impressive academic career as a Professor in the field of insurance law and torts.

His interest in insurance law began as a graduate student at the University of Illinois when he discovered that insurance, properly regulated, could be used as a force for social good. “In the 1970s, insurance law was a relatively new academic field and not many were taking it seriously,” says Brown. A new textbook on insurance had not been written since the 1930s and Brown realized there was a

gap that needed to be filled.

The result was his book, *Insurance Law in Canada*, published in loose leaf as well as its eighth student edition. The book, along with his other writing, has been cited hundreds of times by courts across the country, including the Supreme Court, and has influenced the shape of insurance legislation in Canada. Along with his books and numerous articles on insurance law, Brown published *Why Lawyers Love Golf* – an ode to his twin passions.

“Golf and the law seem to have been made for each other,” he writes in his book published in 2007. “On every fairway, in every stretch of rough, in every clubhouse, in every golf bag, at every swing at the ball, in every set of plans for a new course, in every application for club membership, there lurks a potential lawsuit.”

Indeed, Brown muses, an

entire law school curriculum could be taught using nothing but golf cases. He describes his love/hate relationship with golf as “obsessive” and says golf will always be an important part of his life. “I will continue to pursue the delusion that I will get better,” he says.

On reflecting on his many years at Western Law, he notes how the school has changed. “It’s a much more diverse place with both faculty and the student body,” he says. “There was a time when feminist issues were controversial and there were serious inequities relating to [female] faculty, but fortunately I think we are now at a better time.”

Professor Melanie Randall says Brown has made incredible contributions to promoting gender equality at Western Law.

“He displayed strong and principled advocacy for women in the law school in the fractious

days of the 1980s and has been unwavering in his commitment to promoting fairness and equality for women in law,” she says.

Brown derived a tremendous sense of satisfaction from teaching. “I often hear students say they never thought insurance law could be so interesting and I’m proud of the students who took something from my courses and used it as part of their road to success,” he says.

One of those students was Thomas J. Donnelly, LLB’97, who co-authored works with Brown. “I truly appreciate Craig’s mentorship and teaching and the tremendous opportunities he has given me,” he says. “He is responsible for my keen interest in insurance law.”

In retirement, Brown plans to continue to write and maintain his strong connection to New Zealand, where he has been a visiting professor many times at the University of Otago and where both his adult children and 90-year-old mother reside.

“Craig cares deeply about Western and legal education and has made a major contribution to the Law School,” says Justice Grant Huscroft of the Ontario Court of Appeal. “He was a great colleague and friend in my years at Western and his work is my first stop when a tricky insurance problem arises.”

Brown served three terms as Associate Dean and a year as Acting Dean and was instrumental in the development of the faculty’s small group program and the graduate program. He also championed the Community Legal Services Clinic in the face of government cutbacks.

He says it’s his personal connections that will have the most lasting value. “I have made some of the best friends of my life at Western Law and that is what I cherish most,” he says.

WU

MESSAGE FROM UWOLAA

Dear Alumni,

I recently had the pleasure of welcoming the Class of 2016 to the ranks of Western Law alumni. It was a great privilege for me to be able to pass on a small bit of advice to those just starting a journey that many of us have been on for decades. In reflecting on what might be meaningful to recent graduates, I was drawn to the fact that the close group of friends that I made during my time at Western Law are still my closest friends today – nearly 25 years later. The message that came from that reflection was the importance of “three Cs” – camaraderie, community and connectedness.

I believe that those three Cs are just as relevant for those of us who have been plying our trade for many years as it is for those who are at the start of their careers. Even if we don’t see each other nearly as often as we once did, the friendships and connections we make during law school are often life-long and provide a valuable support mechanism and sense of community, regardless of where our careers may take us.

It is that sense of community and the importance of staying connected that drew me to the University of Western Ontario Law Alumni Association (UWOLAA). UWOLAA is a great way to maintain contact, make new connections and continue to contribute to the life and vibrancy of Western Law. Whether through special events, providing market feedback, engaging with the Dean, or becoming a Board member, participating in UWOLAA enables alumni to continue to support the Faculty of Law and contribute to its operation and strategic direction.

“The message that came from that reflection was the importance of “three Cs” – camaraderie, community and connectedness.”



On behalf of the Board and all members of UWOLAA, I encourage you to stay connected with the Western Law community.

You can learn about opportunities to connect with UWOLAA on law.uwo.ca, Facebook and Twitter. You can also stay current with what’s happening at Western Law by updating your email and mailing address at www.alumni.westernu.ca/ update. Alumni events are held regularly in London and Toronto.

Best regards,

Rob Landry, LLB'94

President, University of Western Ontario Law Alumni Association

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President
- Christine Tabbert** LLB'98
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- Andrew Baker** LLB'98
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- Sahil Zaman** JD'12

Alumni Gatherings



From Dennings to class reunions to our awards ceremony, alumni are keeping their Western Law spirit alive.

Here's how you can stay connected - visit:

alumni.westernu.ca/get-involved/chapters/faculties/law.html

CLASS OF '65 – JOE DILLON, JIM TAIT, PHIL HARRINGTON,
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Awards ceremony

honours Class of

2016

*P*reparation and a solid set of values are key foundations for a rewarding legal career, Janet Leiper, LLB '85 told Western Law graduates at the school's annual awards ceremony held June 22.

"It includes being dedicated to the continuous learning and humility that keeps you competent in a difficult and complex profession," she said.

Leiper, a bencher of the Law Society of Upper Canada, challenged the Class of 2016 to consider what motivates them.

"I ask you ... what are you longing for and how can you express that in your work? Because you will need to be engaged in work that is meaningful to you, especially when you are tested."

In addressing the graduating class, Dean Iain Scott told them there are limitless ways to make a contribution. "If you make time for others, you will have more than enough time for yourself and your career," he said.

"You have natural talents and of course now an excellent education. You have a

responsibility to use your talents as global citizens for the greater good."

Robert Landry, LLB '94 brought greetings from the school's alumni association and emphasized the importance of graduates taking "3 Cs" from their law school experiences – camaraderie, community and connectedness.

He noted that maintaining connections with classmates and the law school provides a valuable support mechanism and helps to sustain a sense of community, regardless of where graduates pursue their careers.

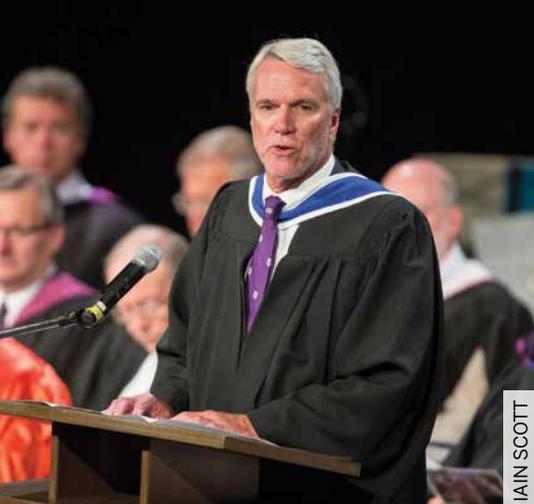
"The friendships and connections you have made will, in many cases, be life-long," he said. "I encourage you to maintain those connections – embrace and nurture them – and lean on each other on the road ahead."

The 2016 valedictorian, Scott Kerr, spoke about the positive experience of law school and he acknowledged the role family and friends played in supporting the class of 2016. "We don't say it enough, but know that we think about you every day, and we will love you forever for holding us up."





JANET LEIPER '85



IAIN SCOTT



ROBERT LANDRY '94



SCOTT KERR '16



Cheers to a banner year

“ Together with your loyalty and Dean Scott’s vision, Western Law’s position has been solidified as Canada’s leading business law school.”

MANON D. BONE
Director of Alumni
Relations and Development



WE BROKE THROUGH this year – all thanks to you. Your generosity means Western Law is in a position to reach its campaign goal of \$25 million this year, a full year before the end of the university-wide campaign.

You have empowered the Dean’s vision of Western Law as Canada’s leading business law school. The innovative move of the corporate law course to a first-year offering led Western Law to ‘first-mover status’ as the only law school in the country with this offering. But that isn’t all.

Several other planned ‘firsts’ in business law followed, including:

- Launching the Osler BizBasics Series to demystify business law via a series of speaking engagements
- Writing new complex business law case studies, in conjunction with Ivey Business School, thanks to a generous donation by Ron

Schmeichel, JD’95

- Closing Folders Inc.’s gift of software licences allowing students in courses such as mergers and acquisition and art of the deal to experience developing a closing book first-hand in case studies.

From the first dollar forward, your gifts to the Western Law Fund are put into action. They allow the Dean to make things happen. For example, since tuition is now \$21,752 per year, significant Dean’s scholarships were introduced to recruit the best for your legacy.

Similarly, special thanks are owed to our Dean’s Circle members who continue to demonstrate strategic leadership for Western Law.

Many endowed scholarships have built remarkable capital which continue to award in perpetuity, thanks to firms such as Osler, Hoskin & Harcourt LLP (with more than \$600,000),

and individuals such as Professor Robert Solomon and Dr. Barbara Lent (more than \$200,000). Thank you in perpetuity.

Your chairs, professorships, fellowships, internships and exchanges – whether endowed or renewed expendables – and numerous key partnerships, are vital to our core.

Together, with your loyalty and Dean Scott’s vision, Western Law’s position has been solidified as Canada’s leading business law school. Thank you immensely for helping drive Western Law’s top position in the marketplace.

Your ideas are always welcome. Please keep them coming to ensure Western Law’s long-term lead.

Best regards,

Manon D. Bone
Director of Alumni Relations
and Development

Osler gift promotes business fundamentals

THANKS TO A recent gift from Osler, Hoskin & Harcourt LLP, Western Law students will gain important technical and interpersonal skills to help them succeed in the business law environment.

The Osler BizBasics Series is an extracurricular program featuring introductory business-related presentations and workshops. The lunch-hour sessions feature Osler articling students, lawyers and senior administrative professionals.

“The practice of law is rapidly evolving and it is important for students to have an understanding of the business of law and the changing landscape of the profession,” says Christina Beaudoin, director of student programs at Osler, Hoskin & Harcourt LLP.

“As a leading business law firm, the synergy was ideal for Osler to partner with Western Law to deliver experiential business law programming,” she says.

The Osler BizBasics series provides students with early exposure to the business law firm environment and an opportunity to develop the corresponding skill set, regardless of their prior academic background, she says.

“As a result, the students are better positioned to make informed choices about their legal careers and – for those who ultimately pursue a business law path – they are better equipped to begin their legal careers,” she says.



RAPHAEL EGHAN, DAVID SOLOMON, MEGAN LEM AND LAUREN HULME



ADAM GUTKIN, TOM ROBERTSON AND LAUREN LEFCOE



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“We are very grateful to the firm for their generous commitment to business law at Western Law,” says Dean Iain Scott. “The support and participation of leading professionals from Osler, Hoskin & Harcourt is an important part of our business law program.”

The program kicked off in the fall of 2015 with a series of introductory business primers, including financial numeracy skills and basic financial statement analysis, as well as networking, client relationship management and business development sessions.

The inaugural event, “Demystifying Corporate Law,” featured a panel of Western Law alumni from Osler: associates Raphael Eghan, JD’09; David Solomon, JD’11; Lauren Hulme, JD’12 and Osler articling student Megan Lem, JD’15.

A second panel featuring Zac Ford, MBA’16; Osler articling student Tom Robertson, JD/MBA’15; and Osler associates Lauren Lefcoe, JD’13 and Adam Gutkin, JD’09 presented a primer on accounting and finance.

Other speakers in the series included Steven Cline, LLB’92, Osler’s career development officer, who spoke on “The Softer Side of Business” and Craig Fields, Osler’s chief financial officer, who delivered an address on “The Changing Landscape of the Business of Law.”

Annual Giving Donors

We would like to recognize the following donors who gave to Western's Faculty of Law between May 1, 2015 and April 30, 2016. We also wish to thank those donors who have chosen to remain anonymous and those who have made previous commitments to the Faculty of Law.

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Gift supports Business Law Case Studies

WESTERN'S BUSINESS LAW students will soon have the opportunity to apply theory to real-world cases, thanks to a generous gift from Ron Schmeichel, JD'95.



RON SCHMEICHEL

The recent gift will support the development and teaching of business law cases at Western Law, an innovative initiative which is the first of its kind at a law school in Canada.

"We are very grateful to Ron for his ongoing support and commitment," says Western Law Dean Iain Scott. "There's a need for Western Law students to study and analyze complex

mergers and acquisition transactions. This initiative will greatly assist our students pursuing business law."

Chief Executive Officer, Partner, and Chairman of JJR Private Capital. Schmeichel says Western Law provided him with an excellent business law education and he's pleased to be able to give back to the school.

"Together with faculty from the Ivey Business School and Western Law, we're connecting the best business school and the best business law school and producing a unique interdisciplinary learning experience for Western Law students," says Schmeichel. "It's gratifying to donate to support this great cause."

The donation will support the teaching of business law cases in the law school, incorporating commercial, financial and

legal issues in a problem-based format to provide students the opportunity to collaborate and to analyze evidence-based scenarios.

Once developed, the cases will allow students to apply diverse concepts and materials to real-world legal and business situations and participate in the analysis and decision-making faced by actual players involved in the case study.

"Contributions to teaching methods like these from generous supporters like Ron Schmeichel help to set Western Law significantly apart from other schools," says Scott. "Having these resources ensure that we remain Canada's leading business law school." **WVL**

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“I am truly appreciative of the generous donors who allowed me to follow my passion for the concurrent study of law and business, and be rewarded for it.”

**Michael Sherman,
JD/MBA'16**

*Recipient of the
Bernard and Bessie
Wolf Scholarship and
Dean of Law Entrance
Scholarship*



Rosemary McCarney '77, Canadian Ambassador and Permanent Representative to the United Nations and the Conference on Disarmament in Geneva, delivered the keynote address at the Canada U.S. Law Institute's 40th anniversary where she received the Sidney Picker Jr. award in recognition of "her inspired leadership, extraordinary efforts to foster Canada-United States relations, and exceptional contributions to the Canada-United States Law Institute".

1963

Brian Sinclair was recognized by the Law Society of Upper Canada for his 50 years of legal service.



1965

John Braden has published the non-fiction book, *Because the Future Matters: Let's Stop Letting Modern Economics and Our Energy Addiction Ruin Almost Everything!*

1976

Roberta Jamieson was promoted from Member to an Officer (O.C.) of the Order of Canada. She is the president and CEO of Indspire, Canada's premiere Indigenous-led charity.

Elizabeth Weir has been credited by the United Nations development program as a member of its roster of experts in democratic governance to conduct international parliamentary training and strengthening programs.

LISA MUNRO '92

1974

Judith Woods, a judge with the Tax Court of Canada, was appointed a judge of the Federal Court of Appeal.

1978

Charles Graham was recently appointed a judge of the Family Court Branch in Barrie.

1982

William "Bill" Kosar, senior legal advisor for the Ministry of Justice of Rwanda, was named as one of McMaster University's distinguished alumni for 2016. He was named one of the Top 100 Corporate Counsel for Africa in 2015.

MAIA BENT '96

William McDonald established a boutique law firm, Allen McDonald Swartz LLP (AMS LLP) that focuses on corporate law, capital market transactions and securities law. Working with





Douglas Mah '81 has been appointed a judge at the Court of Queen's Bench of Alberta.



Donna Walwyn '97 was a recipient of a 2016 Lexpert Zenith award celebrating diversity and inclusion. She is the president of the Canadian Association of Black Lawyers and heads the pension and employee benefits practice group at Baker & McKenzie in Toronto.



Roberta Jamieson '76



Cynthia Clarke '97



Christine Tabbert '98

Chemical Weapons; her portfolio includes representing Canada at the international legal institutions resident in The Hague.

1986

Filomena Tassi was elected a Liberal Member of Parliament for Hamilton West in the October 19 federal election.

1988

Wendy H. Stewart LLM 2005 (Golden Gate University) joined Phyllis Jewell and Claire S. Pratt as principals of Jewell Stewart & Pratt PC, Immigration Lawyers in San Francisco.

1989

Stephen deBoer has been named Canada's Ambassador to the Republic of Poland.

clients all across North America, the firm is headquartered in Toronto and recognized equally for its work with large multi-national companies and entrepreneurial start-ups.

1984

Christina Cuthbert, assistant general counsel with GM Canada, was a 2016 finalist of the Canadian General Counsel Awards.

Doug Moe QC was awarded the Law Society of Alberta award for service to the profession.

1985

Sabine Nolke presented her letters of credence as Canada's ambassador to the Kingdom of the Netherlands to His Majesty, King Willem Alexander. She serves concurrently as permanent representative to the Organization for the Prohibition of



Michael Rubinoff '01 is an entertainment lawyer and theatre producer who also serves as Sheridan's Associate Dean of visual and performing arts. Rubinoff originated and helped bring to life the musical *Come From Away*, based on the true story of how Gander, Newfoundland welcomed 6,579 people after planes were forced to land on September 11, 2001. The play will run at Ford's Theatre in Washington in September followed by a Toronto run with Mirvish productions in November before heading to Broadway in spring 2017.

Edward Wong has worked as a trial lawyer for 24 years and was the Liberal candidate for Member of Parliament for Vancouver East. His son, Andrew, is studying engineering at Western.

1990
Clayton Stewart joined Mercier & Associates, an active boutique

family law firm, in January 2015. He says, "I am actually having fun practising law. That, in and of itself is worth celebrating!"

1991
Elizabeth (Beth) Goldenberg opened the New Family Law Centre in London, Ontario. Her family law firm provides legal representation at a fixed

monthly price, a complementary wellness program and a referral service to other areas of law.

1992
Lisa Munro has received a 2016 Lexpert Zenith award celebrating diversity and inclusion. Munro is a partner at Lerner's LLP and approves the firm's pro bono work.

Mario Paura has been appointed as head of the real estate department with Stikeman Elliott LLP in Toronto and is co-chair of the firm's national real estate group.

1994
Annalisa Rasaiah has been named Justice of the Superior Court in Sault Ste. Marie.



Robert Fonn '01



Allyson Fischer '01, partner at Hicks Morley, is a recipient of the 2015 Lexpert Rising Star award.



James Bunting '02



ANDREW GRAHAM '00

1996

Maia Bent is past president of the Ontario Trial Lawyers Association (president in 2015).

Loreto Grimaldi, executive vice-president and chief legal officer at Waste Connections Inc., was one of five finalists for the 2016 Purdy Crawford Deal Making award. Grimaldi joined what used to be Progressive Waste Solutions Ltd. in 2014. He was nominated for work he did on a U.S.\$14-billion merger between Progressive and Texas-based Waste Connections Inc. The deal created the third-largest North American waste management firm.

1997

Cynthia Clarke, partner and national group head, specialized litigation, Borden Ladner Gervais LLP, was named among the 2015 Canada's Most Powerful Women: Top 100 Award Winners, sponsored by the Women's Executive Network (WXN). The Top 100 Awards serve to recognize talented leaders in the private, public and not-for-profit sectors and to inspire the current and next generation to push the boundaries of what's possible. Clarke volunteers with Pro Bono Law Ontario and previously served for more than 10 years on the board of Mothercraft.



CATE GRAINGER '09



Lorin MacDonald '09 was the recipient of a 2016 Lexpert Zenith award celebrating diversity and inclusion. MacDonald has made it her mission to make Canada more accessible to all. Her human rights law practice focuses primarily on disability discrimination experienced by children, seeking remedies at the Human Rights Tribunal of Ontario.

Lori Sullivan, a VP of legal services at Ontario Lottery & Gaming Corp, was a 2016 finalist of the Canadian General Counsel Awards.



1998

Christine Tabbert was appointed chief of staff to the Minister of Veterans Affairs and Associate Minister of National Defence.

1999

Jonathon George has been appointed to the Superior Court of Justice in Ontario.

2000

Andrew Graham has been admitted as partner in Harrison Pensa LLP, London, Ontario. His practice focuses on insurance services.

2001

Robert Fonn, partner at DLA Piper Canada LLP, is a recipient of the 2015 Lexpert Rising Star award.

MELINDA VINE '06

Eleni Kassaris, partner at Blake, Cassels & Graydon LLP is a recipient of the 2015 Lexpert Rising Star award.

Paul Scott has been admitted as partner in Harrison Pensa LLP, London, Ontario. His practice focuses on plaintiff personal injury, litigation and dispute resolution.

2002

James Bunting was honoured with a 2016 Lexpert Zenith award in recognition of his contribution to the advancement of diversity and inclusion in the legal profession and society through his pro bono work with athletes at Davies Ward Phillips & Vineberg LLP.

FRED W. TRANQUILLI '08

2004

Gillian Dingle has joined Torlys' Toronto office as counsel. Gillian's practice focuses on civil litigation in the areas of corporate and securities law.



Jeevan Mykoo, who passed away in 2007, has had a book of his poetry posthumously published by Aeolus House.

2006

John Kain, general counsel of U.S. Steel Canada Inc., was one of six finalists in the 2016 Tomorrow's Leader award. Kain became general counsel at age 33 in 2014 and has taken on a leadership role since the CCAA filing in September that year.

Rebecca Moskowitz has earned a nomination for the 2016 Antitrust writing awards. The article "Global Credit Card Wars: Litigation, Legislation, or Innovation as a Path to Peace?" was published in the Spring 2015 edition of the American Bar Association journal *Antitrust* and provides a comprehensive overview of the various competing issues involved in conflicts between merchants and credit card networks.

Melinda Vine has been admitted as partner in Harrison Pensa LLP, London, Ontario. Her practice focuses on restructuring, insolvency and bankruptcy law, litigation and dispute resolution.

2008

Cameron MacDonald, assistant VP corporate and divisional law, Manulife Financial Group, is a recipient of the 2015 Lexpert Rising Star award.

Alysia Christiaen has been admitted as partner in Lerner's LLP.

Sunil Gurmukh, counsel with the Ontario Human Rights Commission, is the recipient of a 2016 Precedent award from *Precedent Magazine*.

Nick G. Pasquino has been admitted as partner in Borden Ladner Gervais LLP. His practice focuses on corporate, commercial and governance matters affecting privately owned businesses and non-for-profits/charitable organizations.

Fred W. Tranquilli has been admitted as partner in Lerner's LLP, London, Ontario. Fred's practice focuses on commercial litigation, health law, land development, professional regulation and municipal law.

2009

Cate Grainger has been admitted as partner in Harrison Pensa LLP, London, Ontario. Her practice focuses on wills, trusts, estates and charities.

Ezra B. van Gelder is a partner in Cox & Palmer's Halifax office. Since being called to the Nova Scotia bar in 2010, Ezra has appeared before levels of court in Nova Scotia for clients ranging from homeowners and small businesses to large construction firms, private and public institutions, and insurance and bonding companies. He maintains a general litigation practice with a primary focus on commercial and construction litigation.

2011

Alfonso Nocilla has been awarded the 2015 Ian Strang Founders award by INSOL International (international association of restructuring, insolvency and bankruptcy professionals). The award recognizes the best paper submitted to INSOL by a postgraduate or early-career academic researcher, or a recently qualified lawyer or accountant, specializing in insolvency and turnaround.



Jonathan Mesiano-Crookston '03, partner with Goldman Hine LLP on Bay Street, was recently voted a top Toronto franchise lawyer in the 2016 Lexpert lawyer survey. His scholarly review of the law of Section 8 pharmaceutical damages was published in the *Canadian Intellectual Property Review*.



Omar Ha-Redeye '10 was awarded the OBA Foundation award in November 2015, for exceptional contributions to the legal system and public legal education.



(clockwise from top): Ryan Campbell '10, Tamara Zdravkovic '13, Christine Marchetti '04, Barbara Gordon '88, John McGowan '84, Shannon Seitz '07 and Dany Horovitz '10 performed in The Lawyer Show production of *Guys and Dolls*. The Lawyer Show is Nightwood Theatre's annual fundraiser.

2012

Stephen Arnold and **Natalie Bonifacio** (BA'12) were married on Oct. 17, 2015, in Bolton, Ontario. They now live in Owen Sound, where Stephen is a partner in a law firm and Natalie is an educational assistant.

2013

Scott Robinson and **Tami Laird** (BScN'15) were married on August 8, 2015 in San Diego.

Shawn Steele teaches dental students part-time and provides specialized dental care for

seniors and people with physical or mental disabilities at St. Joseph's Parkwood Institute. He also is working with local organizations to develop community-based oral strategies for vulnerable populations.

2014

Jacob Goldberg has been appointed as assistant general manager of the London Knights.

Jessica Lipton joined Oslers LLP, as an associate in the real estate and development



Mana Khami '09, an employment and general litigation lawyer at Harrison Pensa LLP, was named a 20 under 40 award recipient by *Business London Magazine*.

group. Her practice focuses on all aspects of commercial real estate including project development, acquisitions and dispositions, leasing and secured lending.

Tommy Sorbara joined Wildeboer Dellelce LLP as an associate.

Masoud Tasharofi joined Oslers LLP as an associate in the tax department.

Michele (Shujie) Qu joined Oslers LLP as an associate in the corporate group.

IN MEMORIAM

Allan Douglas Brock (LLB'73) on July 26, 2015, in London, Ontario.

Leland Alexander Bullock (LLB'82), on August 23, 2015.

Robert Lawson Chamberlain (LLB'86) on July 30, 2015, in St. Thomas, Ontario.

Edward Lindsey Elwood (LLB'72) on July 22, 2016 in London, Ontario.

Melanie Warner (LLB'97) on August 5, 2016 in Toronto.



LEGALIZING MARIJUANA NO GOOD OPTION

BY PROFESSOR ROBERT SOLOMON

Canada's Health Minister, Jane Philpott, recently announced at the United Nations that legislation would be introduced in spring 2017 to legalize and regulate recreational cannabis use. She claimed the legislation would ensure that "we keep marijuana out of the hands of children and profits out of the hands of criminals." Unfortunately, regardless of the legalization option adopted, cannabis use among young people is unlikely to decrease and the illicit trade is unlikely to fade away.

There is a well-established black market currently supplying well over 3.5 million Canadian cannabis users, with 15-24 year olds having by far the highest rates of past year use and among the highest rates of weekly and daily use. "Medical marijuana shops" have proliferated in Vancouver, Toronto and other cities, despite operating in blatant violation of the federal drug law. As of 2014, 60,000 Canadians were legally entitled to possess cannabis under the federal medical marijuana program and that number is expected to increase to 435,000 by 2024. With the Canadian courts permitting some medical marijuana users to cultivate hundreds of plants to meet their "medical needs," there is no effective means of preventing widespread diversion of lawfully grown cannabis to the illicit trade.

Leaving aside both the need to withdraw from two international drug treaties and the federal government's limited constitutional authority to establish cannabis marketing schemes in the provinces, some federal legalization options could reduce some current cannabis enforcement and prosecution costs, allow the government to control the purity, potency and price of cannabis in the lawful market, and give cannabis users the option of ending their reliance on the illicit

trade. However, the impact of legalization will vary dramatically, depending on the federal government's priorities.

The federal government could simply license and tax private producers, distributors and retailers, leaving it to market forces to determine all other aspects of the lawful cannabis trade. While a laissez-faire approach could significantly cut into the illicit trade, it would also likely increase cannabis use and related health and safety problems. One recent, albeit small, survey estimated that legalization would increase the number of users by 50 per cent.

In contrast, the government could enact a highly restrictive legalization option including, among other things: government control over production, distribution and retail sales; strict limits on the form and potency of cannabis products; restrictions on the number, location and business hours of retail outlets; high minimum retail prices; prohibitions on price or volume discounts; a high minimum purchase and possession age; and stringent proof-of-age procedures. Although these measures would minimize the harms directly attributable to legalizing recreational use, the resulting lawful supply system would be hard pressed to compete with the illicit trade.

The most practical legalization approaches lie on a continuum between the stringently controlled and laissez-faire approaches. However, regardless of the legalization model adopted, difficult trade-offs will have to be made. Almost all the legalization proposals include a 19 or 21-year old minimum age of purchase and possession, leaving a very large segment of the current Canadian cannabis market dependent on the illicit trade or cannabis illegally diverted from the medical marijuana market. Moreover, those under

the minimum age, who already have the highest per capita rates of cannabis offences, would remain subject to potential criminal sanction.

Tough decisions will also have to be made regarding legally available cannabis products. Many cannabis users will continue to resort to the illicit trade if the lawful market is uncompetitive in terms of price, potency, convenience and product selection. However, prioritizing these market considerations would conflict with the research on the health and safety benefits of maintaining high prices and limiting the availability of potent cannabis products.

The provincial government's commitment to enforcing the federal drug law, which currently varies sharply, will also affect the market share captured by the legal trade. In the absence of a sustained crackdown on the illicit trade, including medical marijuana shops, current underage and adult cannabis users have little incentive to abandon the black market. Without rigorous enforcement, the lawful market may well be limited to new adult users who previously abstained for legal reasons and existing adult users who are willing to accept higher prices and limited selection to avoid possible legal problems.

The two stated goals of the government's cannabis legalization initiative are mutually exclusive. Attempting to keep cannabis out of "the hands of children" will keep profits in "the pockets of criminals" and vice versa. Having decided to legalize recreational cannabis use, the government must now make some difficult decisions, all of which pose significant problems. Perhaps it's "high time" we acknowledge that there are no real good choices. **WL**

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Christopher Bredt, LLB'79
*Senior litigation partner at Borden Ladner Gervais LLP
and Bencher, Law Society of Upper Canada*

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