

# Western Law

2014 ALUMNI MAGAZINE

THE  
LAW SOCIETY  
OF  
UPPER-CANADA  
ESTABLISHED  
1797

## The case for public service

ALSO IN  
THIS ISSUE

Alumnus  
stickhandles  
Rogers deal

Embracing  
corporate social  
responsibility



Western



# Western Law Alumni Awards Reception

## The Western Law Alumni Awards of Distinction

The Western Law Alumni Awards of Distinction recognizes alumni who have made outstanding contributions to the law school, their profession and to society. W. Iain Scott, Dean of the Faculty of Law, invites alumni and friends to attend the 2014 Western Law Alumni Awards Reception to celebrate our recipients.

Please join us in celebrating this year's award winners:



### Ivan Rand Alumni Award

**Stephen Coxford, LLB '77**  
President, Gresham & St. Andrew Inc.



### Business Leadership Award

**Jacqueline Moss, LLB '88**  
Executive Vice-President,  
Human Resources, CIBC



### Community Service Award

**Kim Beatty, LLB '83**  
Founder, Children's Book Bank

**Wednesday November 19, 2014**  
**6:00 p.m. - 8:00 p.m.**  
**Shangri-La Hotel, Toronto**

More details and tickets are available online at  
[www.westernconnect.ca/lawreception](http://www.westernconnect.ca/lawreception)



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On the cover: Janet Leiper '85. Photo by Ian Crysler.



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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 Comments and contributions are welcomed. Please email Susanna Eayrs at [seayrs@uwo.ca](mailto:seayrs@uwo.ca)



# Another year of accomplishments



**W**hat an extraordinary year for all of us connected with Western Law.

In January, following a year-long process of consultation with faculty, students, staff and alumni, the Faculty of Law adopted a new strategic plan – “Western Law: Achieving Excellence on the World Stage.” According to our strategic plan, Western Law remains committed to providing the best legal education for tomorrow’s leaders in a world-class research and scholarship culture. We are committed to engaging our alumni and other partners in our vision, investing our resources in support of excellence.

In February, a provincially mandated external review was completed of our JD program. Among the many positive comments, the external academic consultants reported that Western Law is “embracing an ambitious renewal program, with aspirations for grounded, thoughtful curriculum reform; offers one of the country’s leading advocacy programs; is well-known for its business law focus; creates a collegial learning environment for its students; provides students with outstanding international exchange and internship opportunities; and is home to one of the country’s best experiential learning centres – its Community Legal Services clinic.”

Two faculty retreats were held during the summer months to continue the process of curriculum reform. We expect to introduce a number of new and exciting changes to our curriculum for the 2015 academic year. These will include expanded legal writing opportunities, an enhanced business law program, expanded methods of assessment beyond final exams and

innovative teaching reforms.

The law school itself reflects this period of growth and improvement, as we are well into the third and final phase of the renovations to our physical space. The many changes to be introduced this year will include another student commons area and a greatly expanded and upgraded Chambers. We are retrofitting one of our classrooms with the latest technology in order to provide our instructors and students with the best tools for innovative teaching and classroom experiences.

We have much to be proud of: our students continue to achieve great success in the classroom, mooting and advocacy competitions, and in the job market. And as you will see in the pages that follow, our impressive faculty and alumni continue to thrive and prosper as well.

The magazine profiles a number of our exceptional graduates. Our feature on public service typifies the many graduates of Western Law who have devoted their legal careers to achieving social good and transformative improvements to public sector networks in Canada and abroad.

Our staff continues to be an important part of our continued success and I invite you to welcome Manon Bone, Director of Development, to the Western Law team. Manon has extensive experience in leadership roles in the business community in New York and Toronto and will lead our efforts to reconnect with alumni and build on our successful alumni relations and development activities of the past.

Finally, I was delighted to appoint Professor Valerie Oosterveld as Associate Dean (Research & Administration) on July 1, 2014. Valerie, a recognized expert in international law, will succeed Craig Brown who stepped down after three years as Associate Dean. I’m extremely grateful for Craig’s support and wise counsel and am pleased that he will continue to benefit the Law School with his expertise and skills when he returns to teach in 2015.

As always, I look forward to the many opportunities that lie ahead for Western Law.

IAIN SCOTT  
Dean

**“We have much to be proud of: our students continue to achieve great success in the classroom, mooting and advocacy competitions, and in the job market. And as you will see in the pages that follow, our impressive faculty and alumni continue to thrive and prosper as well.”**

## ACCESS TO JUSTICE SYMPOSIUM

An increasing number of Canadians are facing barriers to a justice system that is perceived as out of touch and out of reach.

Western Law brought together influential leaders to discuss solutions to this growing problem at an access to justice symposium held at the Law School in February.

The conference, spearheaded by Doug Ferguson, director of Community Legal Services (CLS) at Western, featured keynote remarks by Fred Headon, president of the Canadian Bar Association (CBA) and Tom Conway, treasurer of the Law Society of Upper Canada.

“Canadians feel that with the high cost of legal services, the courts are not accessible and that people are not given a fair opportunity to be heard,” said Ferguson in his opening remarks.

“This is eroding the faith of Canadians in the rule of law and, by extension, their faith in our democratic system.”

A number of barriers to justice were highlighted at the symposium, including long delays to get to court; increasing numbers of unrepresented litigants; underserved rural areas; high cost of legal services; and lack of adequate technology.

In his address, Headon noted that compared to other countries, Canada’s performance on access is “abysmal.”

“When it comes to access to legal aid, in a survey of 66 countries around the world, Canada ranked 54th,” said Headon. “The lack of access to justice is an injustice.”

Headon highlighted the CBA’s recent report, “Reaching Equal Justice,” which outlines 31 recommendations. These include specific targets for law schools.

“Legal education and law students will have a major role to play in



**“Canadians feel that with the high cost of legal services, the courts are not accessible and that people are not given a fair opportunity to be heard.”**

FRED HEADON

advancing access to justice,” said Headon.

A panel that focused on the role of legal education and access to justice featured former Ontario attorney general Chris Bentley; Legal Aid Ontario CEO Bob Ward; Ontario Bar Association president Pascale Daigneault; Pro Bono Students

Canada national director Nikki Gershbain; Margaret Capes, CLS review counsel; and Michael Lerner, bencher, Law Society of Upper Canada.

Law Society treasurer Tom Conway delivered his keynote address on the recent report that came out of the treasurer’s advisory group on access to justice.

The report calls for fully

integrating access to justice into the core business and functions of the Law Society.

“Where possible we need to consider liberalizing our rules and regulations and make it easier for people to get the legal advice or information that they need,” said Conway.

Conway said the legal professions must “redefine professionalism and regain a focus on serving the public.”

A second panel at the symposium debated the role of the legal profession in London.

The panel featured Janet Froud, district area director, Legal Aid Ontario; Justice Jeanine Leroy, Ontario Court of Justice; Mary Potter, Crown attorney, Middlesex; Justice Linda Templeton, Superior Court of Justice; Jason Voss, review counsel, CLS; and Bill Woodward, president of the Middlesex Law Association.

In his closing remarks, Doug Ferguson asserted that the time for talking about access to justice has passed. “We need to take action now,” he said. “The reports of the CBA Access to Justice Committee and the National Action Committee show us the way. We need to get moving.”



TOM CONWAY



## CJLJ ADDED TO CAMBRIDGE UNIVERSITY PRESS

The *Canadian Journal of Law and Jurisprudence* (CJLJ), which has been published in-house at Western Law since 1988, has joined the roster of journals published by Cambridge University Press (CUP). The invitation to join CUP shows recognition of the journal's reputation and will allow the journal to reach a greater worldwide and online audience. Under the direction of editor Richard Bronaugh, the CJLJ has become a highly acclaimed source of scholarship on legal philosophy, publishing articles from world leaders in the field.

## CUSLI LECTURE FOCUSES ON BOUNDARY WATERS CONFLICT



CHI CARMODY AND GORDON WALKER

Commissioner Gordon Walker of the International Joint Commission delivered the seventh annual Canada-U.S. Law Institute distinguished lecture at Western Law this past fall.

In his lecture "The Boundary Waters Treaty – A Peace Treaty?" Walker outlined the history of the Boundary Waters Treaty of 1909 between Canada and the United States and delved into the treaty's operation and record.

Walker highlighted the treaty's definition of boundary waters and its creation of an International Joint Commission that helped end the many conflicts over the border between Canada and the U.S.

The lecture was established in 2006 to highlight the mission of the Canada-U.S. Law Institute, a joint creation of Western Law and the Case Western Reserve University School of Law in Cleveland, Ohio.

## DISTINGUISHED SPEAKERS AT WESTERN LAW



MICHAEL COPELAND

SALLY ARMSTRONG

BOB RAE

Speakers explored a diverse range of topics including football, mining, conflict zones and the future of law during this year's distinguished speaker series.

Peter Hogg, Canada's leading constitutional law scholar and professor emeritus at Osgoode Hall Law School, spoke on "Succession to the Throne."

Former Liberal leader Bob Rae discussed the widely publicized Northern Ontario Ring of Fire mining development.

Rae serves as chief negotiator for the Matawa First Nations Tribal Council, which represents nine First Nations located around the Ring of Fire – a massive planned chromite mining and smelting development 400 kilometres north east of Thunder Bay.

Chris Bentley, executive director of Ryerson University's law practice program, talked to students about the new, alternative articling program in his talk, "Preparing Lawyers to Serve a 21st Century Society."

Sally Armstrong, who has covered stories in zones of conflict from Bosnia and Somalia to Rwanda and Afghanistan, shared her inspiring stories about women and girls in zones of conflict during her talk, "Human Rights, Human Wrongs: Ascent of Women."

Canadian Football League president and Western Law alumnus Michael Copeland brought the Grey Cup and his thoughts on the future of the professional game to Western Law in the fall.

James Lockyer, founding director of the Association in Defence of the Wrongly Convicted, gave an insightful lecture on "Must There Always be Wrongful Convictions?"



MICHAEL COPELAND, LARISSA FULOP, KALEIGH NUSBAUM, ZACK SILVERBERG, BIANCA DIBIASE

## PANELS EXPLORE MINING AND CORPORATE SOCIAL RESPONSIBILITY

A series of panel discussions held at Western Law stimulated discussion about the importance of corporate social responsibility in the mining industry.

Legal experts, mining industry professionals and academic faculty from geology, business and law disciplines contributed to the discussion.

The first panel, "Sustainability and the Challenges of Mining Disclosure," focused on securities law and changing expectations in relation to environmental and social sustainability disclosure. Panelists included Western Law professor Christopher Nicholls, Western Geology professor Robert Linnen, Mark Bennett of Cassels Brock & Blackwell LLP and Michael Tang of the Ontario Securities Commission.

The second panel considered the role of international environmental and social standards, which are increasingly integrated into project finance requirements for mining internationally. The speakers were Michael Torrance of Norton Rose Fulbright LLP; Nils Engelstad, vice president, McEwen Mining; Ian Osellame, legal counsel, Manulife Bank & Trust; and Bernarda Elizalde, co-founder, Responsible Mineral Development Consultants.

A third panel highlighted the increasing importance of human rights due diligence for the global mining industry and its relationship to mining finance and sustainability and featured Rachel Davis, managing director and treasurer of Shift; Sybil Veenman, general counsel, Barrick Gold; and Tima Bansal, professor, Ivey School of Business.

The Sustainability and Mining Finance Law series was organized and moderated by Western Law Professor Sara Seck.



MICHAEL TANG, SARA SECK, MARK BENNETT

## GRADUATE STUDENTS GARNER PRESTIGIOUS AWARDS

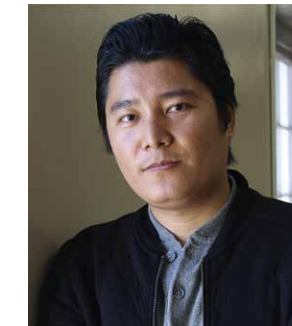


KIRSTEN STEFANIK

Western Law PhD student Kirsten Stefanik has been awarded the prestigious Governor General's gold medal for 2013. The award is in recognition of her outstanding academic performance in the completion of her Master of Laws (LLM) at Western Law.

"Kirsten has produced ambitious and groundbreaking work in the field of international humanitarian law," said Randal Graham, Western Law's director of graduate studies. "Her work promotes legal changes that could ameliorate the conditions suffered by victims of war and pursues this important goal by borrowing from established principles in environmental law."

A rising academic star, Stefanik is the first Western Law student to be honoured with this prestigious award.



TASHI PHUNTSOK

Tashi Phuntsok has been awarded a Dalai Lama trust scholarship. Phuntsok, a graduate of Western Law's LLM program and current PhD candidate, was among 10 exceptional worldwide candidates of Tibetan descent who were selected to receive the \$6,500 scholarship.

The scholarship program aims to further the human capital development of the Tibetan people by supporting the pursuit of excellence among Tibetan students in a field of graduate studies of their choice.

Phuntsok's 2012 LLM thesis at Western Law was entitled *Indigenous Peoples under International Law: An Asian Perspective*.

He joined Western Law's PhD program in 2013. His thesis will develop an alternative perspective of international law based on the fourth-world (indigenous) peoples' aspirations, views, and experiences.

## INTERFACULTY PROGRAM IN PUBLIC HEALTH LAUNCHED

Western Law has joined forces with several other departments to launch the new Interfaculty Master of Public Health (MPH) program, officially hosted by the Schulich School of Medicine & Dentistry. The program, which welcomed its inaugural cohort of students in the fall of 2013, focuses on interdisciplinary, case-based learning in an effort to develop transformative leaders in the global field of public health.

Students gain perspectives from a variety of disciplines on public health issues, including infectious diseases, clean water, disaster management, First Nations health and public vaccination programs.

Professors Robert Solomon and Erika Chamberlain taught "Health Policy, Law and Equity" in the program and were excited to engage with students from diverse professional and international backgrounds.



ERIKA CHAMBERLAIN

"It was rewarding



to gain the students' perspectives on topics like safe injection sites, access to reproductive services, and the control of epidemics," said Chamberlain. "They added a new dimension to my own understanding of the law's role in promoting public health."

The MPH program is housed in Western's newest building, the Western Centre for Public Health and Family Medicine, which opened in October 2013.

## LAW AND ECONOMICS SEMINAR FEATURES VISITING LEGAL SCHOLARS

Western Law students are learning about the economic analysis of law from some of the top scholars in the field, thanks to a generous gift from the law firm of McCarthy Tétrault LLP.

The seminar course, taught by Professor Christopher Nicholls, provides an introduction to law and economics through a series of readings as well as presentations of scholarly papers by visiting professors.

The seminar speakers for this year included Kenneth Ayotte (Northwestern), Edward Rock (Pennsylvania), Robert Jackson (Columbia) and Jennifer Arlen (NYU).

"Economic analysis and the application of rigorous empirical methods to the study of legal phenomena have demonstrated how interdisciplinary approaches can enrich the study of law and enlighten and inform the analysis of legal institutions," said Nicholls.

"Law and economics have long played a prominent role in the world's leading law schools, and we're delighted that Western Law students have this opportunity."

## VISITING PROFESSORSHIP HONOURS OUTSTANDING CAREER OF RICHARD MCLAREN

Richard McLaren has been an inspirational teacher and mentor to hundreds of Western Law students over the course of his 30-year career.

He's forged an influential career as a lawyer, educator, scholar, arbitrator and internationally renowned expert in sports law.

To honour his outstanding achievements, Western Law established the Richard H. McLaren Visiting Professorship in Business Law in 2011. The professorship was made possible thanks to the generosity of Davies Ward Phillips & Vineberg LLP, the lead donor; significant contributions from Goodmans LLP; the Kavelman-Fonn Foundation; as well as numerous Western Law alumni and friends.

The McLaren Visiting Professorship enables the Faculty of Law to recruit a scholar of international standing in the field of business law to teach an intensive course in the JD program and deliver the Richard H. McLaren Professorship in Business Law Lecture.

This year's distinguished visiting professor was Yale Law Professor Roberta Romano. This past fall she delivered the Richard H. McLaren Professorship in Business Law Lecture at an event sponsored by Davies Ward Phillips & Vineberg LLP at their Toronto office.



RICHARD MCLAREN AND ROBERTA ROMANO

"Davies is very proud of the relationship we have with Richard McLaren. We're pleased to host this event and to have contributed to the visiting professorship in Rich's name," said professor Christopher Nicholls.

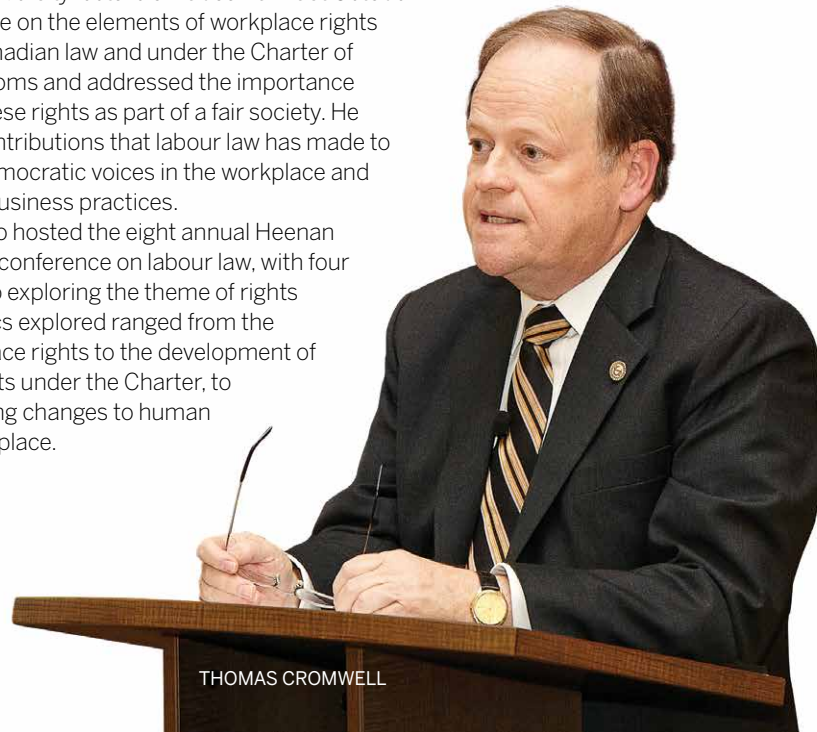
"The Richard H. McLaren Visiting Professorship in Business Law is a fitting tribute to a man who is so highly respected in his field," added Nicholls. "Rich is an educator who sparks immense dedication to the practice of law in his students."

## LABOUR LAW CONFERENCE EXPLORES RIGHTS AT WORK

Supreme Court of Canada Justice Thomas Cromwell headlined a major gathering on labour rights at Western Law as he delivered the eighth Koskie Minsky university lecture on labour law last October.

Cromwell spoke on the elements of workplace rights recognized in Canadian law and under the Charter of Rights and Freedoms and addressed the importance of recognizing these rights as part of a fair society. He pointed to the contributions that labour law has made to strengthening democratic voices in the workplace and ensuring better business practices.

The faculty also hosted the eight annual Heenan Blaikie university conference on labour law, with four panels devoted to exploring the theme of rights at work. The topics explored ranged from the source of workplace rights to the development of employment rights under the Charter, to the rapidly evolving changes to human rights in the workplace.



THOMAS CROMWELL

## FINNIS RECOUNTS PATH TO THE CHARTER AT COXFORD LECTURE



STEVE COXFORD, JOHN FINNIS AND BRADLEY MILLER

Influential constitutional scholar professor John Finnis provided an insider's account of the role played by the U.K. Parliament in the 1982 patriation of the Canadian Constitution at the annual Coxford lecture held April 8.

As the legal advisor to the Foreign Affairs Committee, Finnis had been tasked with assessing the constitutional responsibilities of the U.K. Parliament to the Canadian federation in 1980-81. Was the U.K. Parliament bound by convention simply to accede to former prime minister Trudeau's unilateral demand for a constitutional amendment that would diminish the powers of the provinces? If the impasse between Trudeau and the provinces continued, could the U.K. Parliament impose a solution over the objections of the federal government?

Finnis' lecture, "Patriation and Patrimony: the Path to the Charter,"

explored this little-known aspect of the Canadian constitutional story. His detailed lecture drew on reports Finnis authored for the Kershaw Committee; the response of the Canadian Department of Justice and Trudeau; newly declassified material from the archives of former prime minister Margaret Thatcher; and Finnis' own reflections on the nature of political authority and responsibility.

Finnis held the positions of lecturer, reader and chaired professor in law at the University of Oxford for over four decades until 2010. He is currently professor emeritus at Oxford and has held the Biolchini Family Professor of Law at Notre Dame University since 1995.

The Coxford lecture, Western's leading public law lecture series, is generously supported by Stephen Coxford '77, former chair of Western's board of governors.



## WESTERN LAUNCHES MASTER OF FINANCIAL ECONOMICS PROGRAM

A new joint program with the Faculty of Law, the Department of Statistical and Actuarial Sciences, the Department of Economics and Ivey Business School will prepare graduates with the diverse skillset employers are looking for, said Western Economics professor Jim MacGee, co-director of the new program.

The four-term, 16-month program is only the second of its kind in Ontario.

Employers are increasingly finding PhD graduates are "too specialized" while those with an economics undergraduate degree aren't quite prepared to contribute, said Western president Amit Chakma.

"The program brings together the interdisciplinary input from four faculties, with support from industry and thoughtful input from our alumni," said Chakma.

Industry partners such as the London-based Highstreet Asset Management, Inc. will provide feedback to ensure the program is up to date and continually meets changing industry needs.

The program, consisting of 12 one-term courses and a four-month summer internship in the third term, provides practical and classroom experience to students, spanning topics such as financial theory and the economic framework upon which the theory is based, as well as the understanding of quantitative finance and securities law.



BEN LEGGE, HIGHSTREET PRESIDENT WITH DEAN IAIN SCOTT

## YALE'S GORTON ANALYZES FINANCIAL CRISIS AT BEATTIE LECTURE

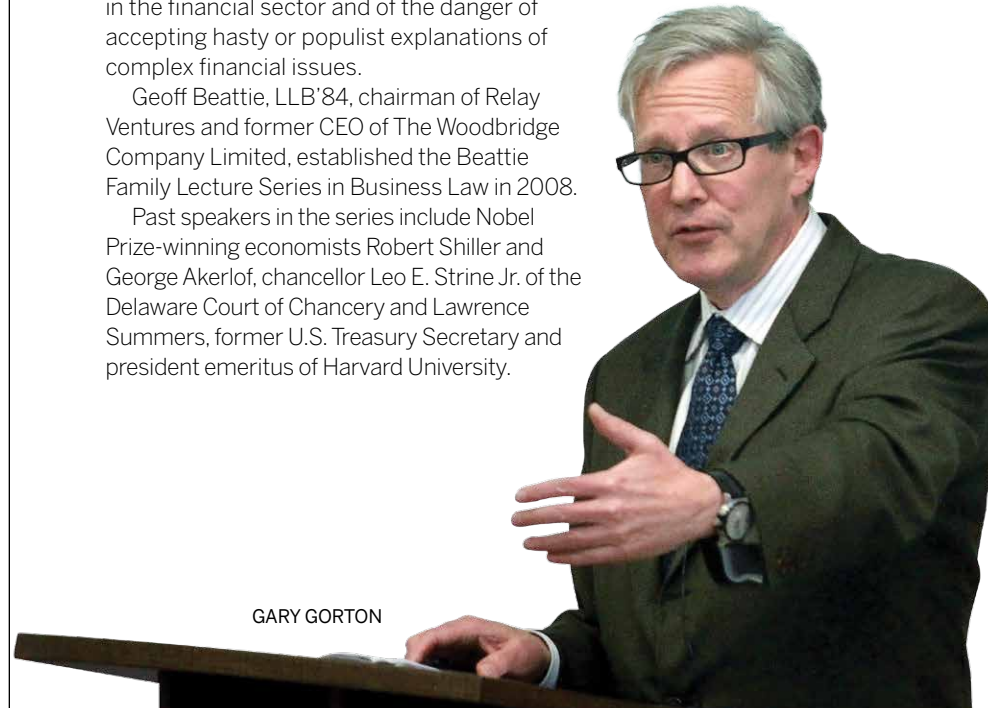
Influential economist Gary Gorton, an expert in the global financial crisis from the Yale School of Management, delivered the fifth annual Beattie Family Lecture in Business Law at Western's Faculty of Law on Wednesday November 13, 2013.

Gorton spoke on "The Financial Crisis: What Happened?" and explained how a subprime mortgage problem morphed into a full-scale financial crisis.

His lucid analysis was a sobering reminder of the importance of thoughtful and informed regulation in the financial sector and of the danger of accepting hasty or populist explanations of complex financial issues.

Geoff Beattie, LLB'84, chairman of Relay Ventures and former CEO of The Woodbridge Company Limited, established the Beattie Family Lecture Series in Business Law in 2008.

Past speakers in the series include Nobel Prize-winning economists Robert Shiller and George Akerlof, chancellor Leo E. Strine Jr. of the Delaware Court of Chancery and Lawrence Summers, former U.S. Treasury Secretary and president emeritus of Harvard University.



GARY GORTON

## STUDENT WINS TRAILBLAZER AWARD

Denise Brunsdon, a student in Western's JD/MBA program was awarded the inaugural Torkin Manes LLP/Women's Law Association of Ontario (WLAO) Trailblazer Award for outstanding achievement by a student in business and law at a gala dinner on June 5, 2014.

"Denise stood out from the rest of the applicants through her spirit and determination in her chosen pursuits, be they in the private, public or charitable sectors and the incredible amount she has accomplished and spearheaded, in her academic career," said Patty deLaat, WLAO

Association Manager.

Brunsdon, is the Editor-In-Chief of *The Western Journal of Legal Studies*, a student-run, open-access law review.



DENISE BRUNSDON

Torkin Manes LLP and the WLAO established the Trailblazer Award to recognize a female law student for her leadership role in business and the law. This award is given to a student that best exemplifies the qualities of effective business leadership, innovatively applied know-how and potential for growth.

## CLS CELEBRATES NEW SPACE, RECEIVES FUNDING FOR FAMILY LAW



L-R DEAN IAIN SCOTT, LEGAL AID ONTARIO CEO BOB WARD, DOUG FERGUSON, LAW STUDENT ALEX MAMO AND PASCALE DAIGNEAULT, PRESIDENT, ONTARIO BAR ASSOCIATION

Western Law hosted a grand re-opening of the new Community Legal Services (CLS) clinic in February.

"For many low-income persons, CLS provides the only means to achieve justice. Last year our students worked on more than 1,000 files," said Doug Ferguson, the clinic's director. "We're very proud of the work we do and our new, expanded clinic space, which is now one of the best in the country, will help us to do even more to assist low-income Londoners," said Ferguson.

CLS is seen as a leader in the movement toward experiential education in law school. In 2010, CLS organized the first national conference of Canadian student legal clinics; CLS Director Doug Ferguson served as the founding president of the Association for Canadian Clinical Legal Education.

Legal Aid Ontario (LAO) is providing over \$2 million over three years to six university-operated legal clinics to provide family law services for low-income Ontarians.

"Family law is one of the greatest areas of need when it comes to accessing justice," says John McCamus, Chair of LAO. "We believe that law students can help to bridge the growing gaps in legal services – and we are pleased to support these student-run legal clinics to ensure that this happens."

Community Legal Services will receive \$303,000 in funding to provide representation for family law clients in co-operation with

LAO's family law duty counsel. Funds will also be used to support the development and training of students in family law. Beginning this September, CLS will be handling family law cases and will add a new family lawyer, Jennifer Foster, a Western Law alumna, to head up the area.

"With 60 to 70 per cent of parties in London's family court being self-represented, we have hoped for many years to add family law to our clinic," said Doug Ferguson, Director of Community Legal Services Clinic. "This grant will allow us to help low-income persons, speed up the court process, and train students how to be good lawyers. We are grateful to Legal Aid Ontario for this funding."

**"We're very proud of the work we do and our new, expanded clinic space, which is now one of the best in the country, will help us to do even more to assist low-income Londoners."**

DOUG FERGUSON



**ALUMNA HONoured WITH COMMUNITY SERVICE AWARD**

Living with deafness did not stop Alumna Lorin MacDonald, JD'09, from pursuing her dream of studying law at Western. Today, she is using those skills to lead the way for greater accessibility for all in Ontario and Canada and is the recipient of a 2014 Alumni Award of Merit for Community Service.

MacDonald's achievements fostering positive change in Ontario's accessibility began even before law school.

"In the summer before I started at Western Law, I was involved in organizing a cross-disability forum at King's University College aimed at encouraging the provincial government to enact stronger disability legislation," MacDonald said. "Attended by the minister in

charge of the disability portfolio, my soon-to-be law school professors spoke along with many others, all advocating for the use of regulatory standards to effect change.

Six weeks after the forum, the minister introduced the Accessibility for Ontarians with Disabilities Act (AODA) and all three parties unanimously passed it. "What a tremendous way to see the law in action while attending law school."

The AODA has far-reaching implications province-wide and is a model around the world.

Attending Western came with significant personal sacrifice for MacDonald. Through it all, she worked to increase accessibility on campus and, thanks to MacDonald's efforts, captioning is now available at Western for any student who requires this accommodation.

After graduating from Western, MacDonald became the first articling student (or lawyer) with a hearing loss to request accommodation in the Hamilton



LORIN MACDONALD

court system.

Since then, she has succeeded in making other tribunals and courts in Ontario similarly accessible, making her a role model for other articling students and new lawyers with disabilities. MacDonald is a

frequent presenter and author on the rights of Ontarians with disabilities and the benefits of an accessible society. As a result, Western, the City of London, and the province have recognized her for her contributions.

**NEW ASSOCIATE DEAN APPOINTMENT**

W. Iain Scott is pleased to announce the appointment of professor Valerie Oosterveld as the Associate Dean (Research & Administration) effective July 1, 2014. Oosterveld teaches and publishes widely in the areas of public international law and international criminal law and is the deputy director of Western University's Centre for Transitional Justice and Post-Conflict Reconstruction.

She received her LLB at the University of Toronto and earned an LLM and JSD from Columbia University.

Before joining Western Law in July 2005, she served in the Legal Affairs Bureau of Canada's Department of Foreign Affairs and International Trade. In this role, she provided legal advice on international criminal accountability for genocide, crimes against humanity and war crimes, especially with respect to the International Criminal Court, the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Special Court for Sierra Leone and other transitional justice mechanisms such as truth and reconciliation commissions.



VALERIE OOSTERVELD

BY DREW HASSELBACK '96

**J**anet Leiper speaks of an iceberg. There's a tiny bit of her work as integrity commissioner for the City of Toronto that towers above the waves and captures the public's attention. Then there's an enormous mass of work that lurks unnoticed beneath the surface.

Her point is that there is a lot more to her job than the high-profile complaints about councillors — and a certain mayor — that might make it into the press. "It's not an accurate reflection of the bulk of the work. Most of it is below the waterline."

Leiper (LLB '85) completes a five-year term as Toronto's integrity commissioner in September 2014. She came to the job as a part-timer, but has recommended city council transform the position into a full-time job. The expanded workload is a measure of her success.

The number of inquiries she's received from citizens about city council's code of conduct rose 48 per cent from 2012 to 2013, the most recent period for which data is available. Even if they don't see it all, Torontonians clearly think their integrity commissioner is standing guard.

If you could see the top of Leiper's metaphorical iceberg, you might see Rob Ford at the summit, waving a bright flag. In August 2010, when Ford was still a quirky suburban Toronto councillor running for mayor, Leiper said he should repay donations for his personal football charity because his fundraising appeals were made on city council letterhead. Ford would still win the election and eventually become the world's most famous Torontonian for other reasons. But looking back, the Ford case was one of Leiper's first big media splashes and it gave her position national profile.

For the record, Leiper did not speak to me about Ford or any of the matters she's been involved with. She said nothing about her job that she hasn't

**What lies beneath**

Janet Leiper lives life below the political 'waterline'





published in a public report. Like any good referee, Leiper believes in following the rules.

One of the things she will talk about is that looking back, she was surprised at the magnitude of work. Integrity commissioners don't pick their own cases, she explains. They're directed to matters either because they're reacting to a complaint from the public or because they're providing advice to public officials who have questions about the code of conduct. In fact, behind-the-scenes advice makes up about 90 per cent of her workload, she said.

Leiper clearly believes in serving both the public and the legal profession. Among other things, she served as a director of the Criminal Lawyer's Association from 1993 to 2001, chair of Legal Aid Ontario from 2004 to 2007 and a visiting professor at Osgoode Hall from 2007 to 2009.

She still practises law as a sole practitioner focused on criminal and administrative law. Besides serving as the part-time integrity commissioner, she is a benchler and chair of the Certified Specialist Board with the Law Society of Upper Canada, an alternate chair for both the Ontario and Nunavut Review Boards and former director of Pro Bono Law Ontario. Leiper is clearly someone who believes the legal system exists to help others. When the system fails, rather than silently grumble about it, she gets involved with the hunt for a solution.

Leiper has always been interested in solving problems. Growing up in Mount Forest, just north of Guelph, she once considered a career in engineering. Yet after

a couple of years of undergrad, she decided to give law a shot. She enrolled at Western Law in the fall of 1982 and was placed in a criminal law small group with Ian Hunter. She found her calling. "After the first week, I was aware that I wanted to keep reading ahead in the book, and that wasn't the case in any other course," she said.

She was determined to be a litigator and worked in the legal aid clinic. She still remembers her first trip to court to represent a client. She was both awed and terrified that an older person would put so much trust in a green young law student. "Protecting someone and bringing their story forward was so strong for me," she said. "This was the kind of work I wanted to be doing."

Leiper was called to the bar in 1987. She names chairing Legal Aid Ontario as one of the many highlights of her career. She

says it was fascinating to bring together so many people with diverse views, yet somehow pilot meetings to a consensus. "If everyone agrees at the outset what the core values are, you get some pretty amazing decisions."

She also recalls the day in 2009 when she saw an ad for the integrity commissioner position. It was such a natural fit, she said. There was the chance to do something new — "litigators can't resist a shiny new file" — but there was also the opportunity to engage in yet another public function. With a tenure that coincides with the Rob Ford era, she'll exit the integrity job having landed a role in history. But that's not what she was in it for. She did it for the service to the council and to the public.

"I want everyone to participate," she said. "It's their code of conduct, not mine." **AWL**

# Navigating change

## Rob MacIsaac on life's unexpected opportunities

BY DREW HASSELBACK

**R**ob MacIsaac has just started his fifth career. And to confirm, we are talking about a fifth career, not merely a fifth job.

MacIsaac, LLB '87, is the new president and chief executive of Hamilton Health Sciences, a regional super-hospital with a staff of more than 11,700 employees and 1,800 physicians and a budget of about \$1.2 billion.

"I feel very fortunate to have had the opportunities I've had and this is probably the biggest challenge I've taken on," MacIsaac said. "Every change I've had has been challenging and has provided interesting opportunities to influence public policy and to help people."

MacIsaac's route into public service wasn't intentional. While he was interested in public policy and politics while growing up in Burlington, he came out of Western Law thinking he would practise commercial real estate on Bay Street. He summered and articulated at Goodmans, then remained for a year as an associate after his 1989 call to the bar.

Yet, his hometown beckoned. He moved back to join a small firm he operated with his brother. He would remain in private practice from 1990-97, doing everything from residential real estate to duty counsel work.

His career path took a twist when he got the idea that running for Burlington City Council might advance his law practice. Even if he lost, he figured, he'd benefit from the publicity. As it turned out, he won. What he didn't realize is the demands of council work would port him to his second career. He served as mayor of Burlington for three terms, from 1997-2006. "Being a mayor is probably the funnest job I'll ever have. There was never a Sunday night where I wasn't excited about going to work on Monday morning."

Fun though it was, nine years was enough. He figured if he didn't move on to something else, he'd become a career politician. That was never his plan. So what would be career number three?

The opportunity came through his connections as mayor. He knew the leaders of all the municipalities that ring the western end of Lake Ontario, and he'd worked with the provincial government on several matters. The province needed someone to run Metrolinx, an agency formed in 2006 to connect their various municipal transit systems into a cohesive regional grid. As first chair of Metrolinx, MacIsaac helped design the Big Move, a plan announced in 2008 ▶



ROB MACISAAC



that coordinates expansion of the regional transit system over 25 years.

The move to career number four started via a telephone call while he was watching his daughter play soccer. He was asked if he might be interested in taking a job as president of Mohawk College. With the Big Move set in motion, he was indeed ready for a change. The resulting five years at Mohawk were a great experience, he said. "It's a very gratifying kind of work to do. You can help somebody transform themselves into something better."

A pattern emerges that defines his public service work. As mayor, he tried to create places the citizens of Burlington would love. In transportation, he focused on the user experience. At Mohawk, he concentrated on serving the students.

Cue career number five, Hamilton Health Sciences, where he says his priority will be the people actually using the institution, the patients. Services must be delivered in a way that's best for the patients, not the service providers, he insists.

"If there's one pattern I've noticed over the past 20 years, it's that government institutions have a natural gravity to provide services in a way that's convenient to them as opposed to what's convenient to the user. We have to keep fighting that."

MacIsaac says changing careers is a difficult process and says law school is the place he acquired the basic tools he's needed to navigate those changes. "That legal training has provided me with a huge advantage throughout my career. It's given me a way to look at complex situations and sort of bring order to the chaos." **WL**

**“ I feel very fortunate to have had the opportunities I've had and this is probably the biggest challenge I've taken on.”**

**ROB MACISAAC**  
President and Chief Executive  
Hamilton Health Sciences



## EMBRACING IMPORTANT WORK

Love of labour led Victoria Réaume to the law

BY DREW HASSELBACK

Victoria Réaume admits she was something of a novelty when she enrolled in Western Law as an adult student. If she wasn't the only one of her classmates who arrived after years as a postal worker and proud member of the Canadian Union of Postal Workers, there couldn't have been too many others.

"I really believed in that union. It was a great union. Very democratic, very left," she said. "When I saw the lawyers who were presenting arbitrations on behalf of the union, I thought, they're working for workers' rights in a very interesting way. I saw for the first time that lawyers could do important work in the social justice arena. They were amazing."

Réaume, LLB'88, later practised labour law with Cavalluzzo Shilton McIntyre Cornish LLP, ranked by Chambers Global 2014 as one of the best union-side firms in Canada. Last year, she left private practice to become chief executive – or general secretary – for one of her clients, the Elementary Teachers' Federation of Ontario (ETFO).

ETFO represents 76,000 teachers and education professionals, making it the largest teachers' union in Canada. Réaume says that not only has she loved working with teachers over the years, she believes ETFO is a particularly honourable organization because it puts principles first, such as pursuing equity and advancing the work and goals of women. ►



**“When I saw the lawyers who were presenting arbitrations on behalf of the union, I thought, they’re working for workers’ rights in a very interesting way. I saw for the first time that lawyers could do important work in the social justice arena. They were amazing.”**

VICTORIA RÉAUME  
Chief Executive  
Elementary Teachers’ Federation of Ontario

“Teachers are just great people. I loved meeting them and hearing their stories. They truly believe in fairness.”

You can see her love of education and learning come alive in her background.

Her years as a postal worker sparked not only her interest in unions and workers’ rights, but also awakened an academic yearning. She started with the post office immediately after graduating from high school in Burlington. After four years, she requested a transfer to Québec City to immerse herself

in French, which is her heritage. Réaume worked the midnight shift at the post office so she could devote her days to earning a degree in French language and literature from Laval University.

She wrote the LSAT on a lark and did well. That brought her to Western Law, where the former postal worker and union activist sat alongside classmates who eventually found their way to Bay Street.

“I was a bit of a novelty,” she said.

She recalls law school as a growth experience. It introduced her to a new way to look at the

world, something she finds helpful in her current role. “Law school pushed us to adopt a rigorous, analytical approach to everything. That helps you later in life, no matter what you do.”

Upon graduation, she was wooed to article with McCarthy Tétrault. It was a tough choice — she really didn’t want to work for a management firm on Bay Street. Yet at the time, the firm represented the nurses’ union and was also grappling with Ontario’s new pay equity law.

“They said, ‘Come article with us, it’ll be a great experience.

You’ll get to see all aspects of law.’ And it was a great experience,” she said.

After her call to the bar in 1990, she joined union-side labour boutique Cavalluzzo, where she became a partner after seven years. She remained there for 23 years, primarily as a litigator doing arbitrations.

Yet, her real love, she says, was getting involved with union strategy and policy. She got so interested that she decided to become an executive with ETFO.

“I just love it. The issues are complex and interesting.” **WL**





# Caring for a community

BY SUSANNA EAYRS



It's not often one can give people what they need, save taxpayers money and improve quality of life for individuals and a community, but that's exactly what Sandra Coleman's role enables her to do.

Coleman is CEO of the South West Community Care Access Centre (CCAC), an organization dedicated to working with community partners to help individuals remain in their homes with dignity and out of hospital and long-term care homes.

A gold medallist from the class of 1990, Coleman began her career at Lerner LLP, working in the areas of healthcare, human rights, employment and appellate law.

She worked on appeals with Earl Cherniak and litigated in the Supreme Court of Canada and the Ontario Court of Appeal.

When she was offered a senior position at CCAC in 2001, the new career opportunity took her by surprise. It was a calling she wasn't initially aware of, but she was drawn to the opportunity to give back.

"When you're in healthcare leadership, every minute is exciting," she says. "Every single day I feel like I am contributing in some small way to making the community better."

Coleman says there are some myths surrounding private versus public service. She's now working longer hours in public service than she ever did at a law firm. The role is more demanding but the satisfaction level is high.

"There's no opposing counsel, the starting place is non-adversarial and everyone can gather around a shared vision and implement," she says. "We all want to improve the quality of care and the patient experience."

An active volunteer and board member (she has been awarded the Lieutenant Governor's Community Service Award and the Province of Ontario's Leading Women Building Communities Award), she's passionate about encouraging other lawyers to give of their time and skills to worthy organizations.

She describes her time at Western Law as "transformative" and says it gave her a frame of reference to understand the world.

"I think there is a real fit for lawyers and healthcare leadership," she says. "The skills help you drive through a very complex landscape." **WL**

**“There’s no opposing counsel, the starting place is non-adversarial, and everyone can gather around a shared vision and implement,”**

SANDRA COLEMAN  
CEO

South West Community Care Access Centre

# He Shoots He Scores

Western alumnus takes on the sports world

BY JIM MIDDLEMISS

Michael Webber '93 credits the business law courses he took at Western Law for paving his way to Bay Street success as one of Canada's biggest dealmakers when it comes to professional sports franchises.

In the past few years, Webber, vice-president, legal, at Rogers Communications Inc., has played a central role in two key deals worth a combined \$6.5 billion that not only shuffled the ownership deck chairs of two of Canada's leading sports franchises, but will also reinvent the way Canadians consume hockey over digital devices.

"It's pretty exciting," said Webber, who oversees the content acquisition activity for Rogers, a company he joined in 2001 shortly after it acquired the Toronto Blue Jays baseball team.

His chief responsibility is managing the legal affairs of Rogers Media, which includes the company's television and radio broadcasting, sports entertainment, publishing and digital media properties.

It's been a hectic two years for Webber. In 2012, Rogers tag-teamed with arch rival BCE Inc. to buy a 75 per cent stake in Maple Leaf Sports and Entertainment (MLSE), which owns the Toronto Maple Leafs hockey team and the Toronto Raptors basketball franchise for \$1.3 billion.

It was a complex deal that saw existing owner Larry Tanenbaum increase his ownership stake in the team to 25 per cent ▶



MICHAEL WEBBER  
STICKHANDLES  
"GAME-CHANGING"  
DEAL FOR ROGERS



“I never thought I would end up in a place where I could be involved in NHL acquisitions or managing legal issues for the Toronto Blue Jays.”

MICHAEL WEBBER

while BCE and Rogers each took a 37.5 per cent stake. The deal allowed the Ontario Teachers' Pension Plan to exit its investment in Maple Leaf Sports.

Shortly after, Rogers, which owns the television channel Sportsnet, as well as various sports radio channels, purchased Score Media Inc. for \$167 million. It operates the country's third-largest sports channel, broadcasting mostly headline news and ticker scores and has since been rebranded Sportsnet 360.

But it was the mammoth 12-year, \$5.2-billion licensing deal with the National Hockey League announced last November that really shook up the sports world and set a new precedent, bumping CBC from its long-held post as lead broadcaster of

Canada's national pastime.

“It's a game-changing deal for Rogers,” said Webber. “It came up relatively quickly from a legal perspective.”

Not only is it the largest media rights deal in NHL history, but it is all-inclusive, meaning that Rogers bought the rights to broadcast national games across all technology platforms, such as smartphones or tablets, in any language.

It's expected to set a precedent in the way other rights deals will take shape in other sports. Usually a sports team signs a separate deal covering various rights, such as radio or television. What was particularly challenging was the time frame – Rogers had a mere five days to strike a deal.

“That seems to be happening more and

more. You don't have the luxury of months for getting things done any more. Everything has to be done yesterday,” said Webber, a self-confessed “diehard Leafs fan.”

However, because it was an all-inclusive deal and they weren't trying to carve out different rights, “it was probably easier than other deals to structure,” Webber said. “There were not a lot of sticking points. It was a partnership from the get-go.”

Webber has always been interested in business and making deals. In fact, it was the business-leaning curriculum and the joint overlap of courses with the Richard Ivey School of Business that attracted him to Western Law in the first place.

Webber made it a priority to take as many business courses as possible, including

secured financing, commercial law and corporate finance, a course taught by Richard McLaren, a professor who made a big impact on him.

When he thinks back to his Western Law days, Webber remembers the camaraderie the most. “From a social perspective, it was great, and from an academic perspective, I was learning what I wanted and needed to learn,” he said.

He played for the law school's hockey team, despite his “inability to skate.”

Upon graduation in 1993, Webber joined the law firm Blake, Cassels & Graydon LLP, where he summered and articulated before joining as an associate. There, he was exposed to a range of deals, as well as financing, joint venture and commercial law issues that gave him the

grounding he needed to move into a corporate counsel setting.

An opportunity arose to join Rogers and support its growing media division and he jumped at it. He was the first lawyer assigned to the group, which was quickly adding to its broadcasting and publishing assets and breaking into the sports world with the Blue Jays acquisition. Today, nine lawyers now support the group.

“I never thought I would end up in a place where I could be involved in NHL acquisitions or managing legal issues for the Toronto Blue Jays,” said Webber.

He's now ready for the next challenge. Webber said the Rogers crew is “going full steam ahead to get ready for what's going to be a neat launch to the NHL season.” **WLM**



# IN A NEW YORK STATE OF MIND

Deanna Kirkpatrick enjoying an extraordinary career

BY SUSANNA EAYRS

It's an hour and a half commute each way from Deanna Kirkpatrick's Connecticut home to the Lexington Avenue offices of Davis Polk & Wardwell next to Grand Central Station in New York City.

But for this self-described working mom with a husband, 9-year-old daughter and 15-year-old son, it's all worth it.

"My life is busy and stressful at times but I am having a lot of fun," she said.

Kirkpatrick, a gold medalist from the class of 1989, arrived in New York City soon after her graduation from Western Law and planned to stay for just a few years. Some 25 years later, she has never looked back.

She received both her law degree and MBA from Western and has carved an impressive career at Davis Polk, one of the pre-eminent Wall Street law firms.

Kirkpatrick is a partner and the finance chair, one of the most senior management positions within the firm, allowing her to also use the skills she gained from her MBA.

Kirkpatrick says there is a certain energy associated with accepting added responsibilities.

Finance chair is a role that many firms might view as traditionally male but, according to Kirkpatrick, Davis Polk has been very supportive of its female lawyers.

"I think the key difference

between Davis Polk and many other major law firms is the opportunities it provides women to allow them to grow into leaders," she said.

In fact, Davis Polk was one of the first Wall Street firms to elect a woman partner and has always had among the highest percentage of women partners of all AmLaw 100 firms.

"There are advantages to being a woman in what, at times, can be a male-dominated profession in that being different doesn't make you less effective. In fact, sometimes it can even make you more effective," she said.

The recipient of the 2013 Euromoney LMG Americas Women in Business Law Award in Capital Markets, Kirkpatrick is a senior member of the firm's Capital Markets Group and has an enviable list of clients including: Cigna, BATS Global Markets, JPMorgan Chase, Citi, Goldman Sachs, Morgan Stanley and many Fortune 500 companies.

Her practice includes IPOs, and equity and debt offerings, as well as advising on securities law and corporate governance issues. She also works on complicated, cutting-edge transactions with people all over the world.

Her recent deals have included the IPOs of RE/MAX, where she served as underwriters' counsel, and Health Insurance Innovations, where she represented the company.

"In my issuer-side practice,

my clients represent a variety of industries, with a particular emphasis on healthcare," she said. "On the underwriter side, I advise major investment banks on debt and equity offerings, as well as other securities law related matters."

"There's definitely no time to be bored," Kirkpatrick acknowledges. "Deals get done quickly and I may jump from an IPO to a convertible offering to an equity offering and back. Working with, and getting to learn about, so many different companies and clients keeps it interesting and fun."

She credits professor Peter Mercer, her contracts professor, for piquing her interest in and ultimately her career in corporate law.

"Way back then my only sense of what it was like to be a lawyer was from watching Susan Dey in the TV show *L.A. Law*," she laughs. "But professor Mercer gave me the insight to understand what it was like to be a corporate lawyer."

"I've had a wonderful platform from which to work on some of the most complex and interesting legal matters throughout my career. I've had and continue to have extraordinary opportunities." **WL**

**"I think the key difference between Davis Polk and many other major law firms is the opportunities it provides women to allow them to grow into leaders."**

DEANNA KIRKPATRICK  
Partner and Finance Chair  
Davis Polk & Wardwell





VALERIE OOSTERVELD

## VALERIE OOSTERVELD BRINGS EXPERTISE TO GLOBAL SUMMIT

“We demand justice, accountability for survivors and reparations. This is the best moment we have ever had and we must not let it pass by. Survivors are our moral compass and must be our inspiration.”

ZAINAB BANGURA

Western Law professor Valerie Oosterveld has worked for more than 15 years on the issue of gender-based violence in war, so it was natural that she was deeply involved in the Global Summit to End Sexual Violence in Conflict. The summit, held from June 10-13, 2014 in London, England was co-hosted by U.K. Foreign Secretary William Hague and special envoy for the UN High Commissioner for Refugees, Angelina Jolie.

At the summit, Oosterveld served as an expert and organized a very successful event highlighting the lessons learned by the Special Court for Sierra Leone, an international criminal tribunal, on the prosecution

of sexual violence crimes. Oosterveld also co-hosted a pre-summit roundtable in Ottawa.

The summit was the largest gathering ever on the subject of sexual violence in war, with 1,700 expert delegates and 129 country delegations. U.S. Secretary of State, John Kerry, and Canada’s Minister of Foreign Affairs, John Baird, were just some of the 79 senior state officials present.

Participants heard harrowing first-hand accounts, including one from a woman named Marie, who was tending crops when rebels invaded her village. After she was gang-raped in succession, she was viewed as “tainted” by her fellow villagers and her family and she suffered severe health

complications with no medical help. Unfortunately, this type of story was heard all too often at the summit.

“The summit led to some practical results – for example, the launch of an international protocol on the investigation of sexual violence in conflict – along with concerted action to change stories like Marie’s,” said Oosterveld.

UN special representative on sexual violence in conflict, Zainab Bangura, captured the spirit of the gathering: “We demand justice, accountability for survivors and reparations. This is the best moment we have ever had and we must not let it pass by. Survivors are our moral compass and must be our inspiration.”

## A “RIGHTS-BASED” APPROACH TO TORT LAW

Professors Jason Neyers, Andrew Botterell, Erika Chamberlain, Stephen Pitel and Zoe Sinel have been awarded a \$16,000 Bridge Grant from Western’s internal SSHRC support program to conduct a one-year project titled “Rights and Tort Law: A Canadian Perspective”.

Only nine projects across the university were chosen to receive funding. The project aims to elaborate a distinctive approach to Canadian tort law.

“Tort law sets out the non-consensual obligations members of society owe to each other,” said Neyers, the project’s principal investigator. “Over the past 40 years, principled decision making has been replaced with a fuzzy and impressionistic analysis that focuses primarily on whether injured plaintiffs ‘deserve’ compensation for their losses,” said Neyers.

Those advocating for a rights-based approach have challenged this compensation-for-loss approach.

The team’s research will articulate and explain the rights-based approach and evaluate whether it provides a better explanation of Canadian tort law than the compensation-for-loss approach.

“The result of the project will be a better and more complete understanding of what tort law is and what it means to protect and vindicate private law rights,” Neyers said.

“We hope it will contribute to the important task of improving the justness and coherence of the law, the benefits of which ultimately accrue to everyone.”

## LAYING DOWN THE LAW

Professor Rande Kostal delivered the 2014 Richard Youard Annual Lecture in Legal History at the Faculty of Law at Oxford University this past May.

His lecture, “Allied Planning for the Denazification of German Law, 1944-45” was based on his forthcoming book, *Laying Down the Law: The United States and the Legal Reconstruction of Germany and Japan, 1944-1948*, a comparative history of the most ambitious law reform projects ever undertaken.

The book probes how, in the aftermath of the Second World War, the United States attempted to achieve the permanent demilitarization of Germany and Japan by recourse to the transformative military occupation.

“The thrust of American policy was to destroy the institutional basis of German and Japanese fascism, replacing it with a liberal-democratic constitutional order founded on the rule of law,” said Kostal.

The book explores the extent to which American officials planned and executed the reconstruction of German and Japanese constitutional arrangements, bar associations, judiciaries and substantive criminal law and procedures.

“It assesses the degree to which the racial, political and ideological assumptions influenced American policies and action in Japan and Germany,” said Kostal. The book is also concerned with how their collaboration and resistance to American law reform initiatives succeeded in making ruined fascist states into functioning rule of law states.”

## PITEL WINS OCUFA TEACHING AWARD

Professor Stephen Pitel is a recipient of the prestigious Ontario Confederation of University Faculty Associations (OCUFA) Teaching and Academic Librarianship Award for 2013.

“As noted by his nominators, professor Pitel’s work has transformed legal education at Western and across Ontario,” said Kate Lawson, president of OCUFA. “He has pioneered the teaching of ethics and professionalism, ensuring that Ontario’s young lawyers understand their responsibilities and professional obligations. This, coupled with his teaching prowess, make him a perfect choice for an OCUFA teaching award,” she said.

Since 1973, these awards have recognized exceptional contributions made by professors and librarians to the quality of higher education in Ontario. OCUFA represents 17,000 university faculty and academic librarians across Ontario.



STEPHEN PITEL



## NICHOLLS APPOINTED RESEARCH FELLOW AT U.S.-BASED THINK TANK

Western Law professor Christopher Nicholls has joined a distinguished advisory group of academic, nonprofit and financial services leaders.

Nicholls has been appointed a research fellow at the Filene Research Institute, a U.S.-based nonprofit independent think tank for the consumer finance industry.

The fellows research managerial problems, public policy questions and consumer needs that affect the consumer finance industry.

“When searching out new research fellows, we look for people who are visionaries in their fields and passionate about building the future of cooperative finance,” said Mark Meyer, CEO at Filene. “Christopher’s expertise in financial regulation and its practical application will play an integral role in helping Filene drive change that’s grounded in truth for credit unions and their members.”

Nicholls, who holds the Stephen Dattels chair in corporate finance law, teaches and writes in the area of finance and securities regulation and financial innovation and risk management.

Filene introduced its research fellows program in 2005 to create a formal link to leaders in the worlds of academic, nonprofit and financial services.



CAROLYN MCLEOD AND ANDREW BOTTERELL

## THE ETHICS OF SURROGACY

As a visiting professor at the Centre for Ethics at the University of Toronto during the past academic year, professor Andrew Botterell and his spouse, Western University Philosophy professor Carolyn McLeod, explored the variety of ethical issues that can arise when families are created through adoption, IVF, and contract pregnancy.

Together, they have co-authored four papers that investigate the moral relationship between adoption, contract pregnancy (or surrogacy) and the nature of the so-called right to reproduce.

“The conventional view is that biological families are preferable to adoptive ones”,

said Botterell. “We find this general position problematic and much of our recent work has been devoted to explaining why.”

Botterell and McLeod argue that since the convention on inter-country adoption explicitly includes a parental licensing requirement for adoptive parents, any convention on contract pregnancy must include a similar licensing requirement in order to be ethically consistent.

“Our view is that to the extent that there are good reasons for licensing adoptive parents – and it’s not entirely clear to us that there are – those considerations carry over into reasons for licensing individuals seeking to become parents via IVF or contract pregnancy,” said Botterell.

## RESEARCH GRANT TO SUPPORT STUDY OF AMICUS BRIEFS

Western Law professor Anna Dolidze has been awarded a \$15,850 Seed Grant from Western’s Social Sciences and Humanities Research Board to study the role and influence of Amicus Curiae briefs at international tribunals.

Dolidze was one of only 10 faculty at Western University to receive an award in this semi-annual competition.



ANNA DOLIDZE

“Amicus curiae, or friend of the court intervention, has become an important tool for interest groups for taking part in international dispute resolution proceedings and for potentially influencing international law making,” said Dolidze.

Interest groups, such as the Foreign Trade Association, Consumer Industries Trade Action Coalition and Greenpeace, routinely submit amicus curiae briefs before international tribunals.

In the recent “Seal” case in which the World Trade Organization panel upheld the European Union’s ban on the importation of seal products from Canada, 23 amicus curiae briefs were submitted, including briefs by the Brigitte Bardot Foundation and by the actor Jude Law on behalf of the People for Ethical Treatment of Animals (PETA) U.K.

“I hope I can identify patterns and gauge civil society organizations’ influence in order to understand the role these organizations play in the development of international law,” she said.

Dolidze says this phenomenon has been largely overlooked in both international relations and international law scholarship.

At this stage, Dolidze will create a pilot study of amicus curiae participation in two international tribunals, the World Trade Organization and the Inter-American Court of Human Rights.

## New Faculty Books

### PROPORTIONALITY AND THE RULE OF LAW, RIGHTS, JUSTIFICATION, REASONING

Western Law professor **Grant Huscroft** and professor **Bradley Miller**, along with London School of Economics professor **Grégoire Webber**, are the editors of the new book *Proportionality and the Rule of Law, Rights, Justification, Reasoning* published by Cambridge University Press.

To speak of human rights in the 21st Century is to speak of proportionality. It provides a common analytical framework for resolving the great moral and political questions confronting political communities. But behind the singular appeal to proportionality lurks a range of different understandings.

This volume brings together many of the world’s leading constitutional theorists – proponents and critics of proportionality – to debate the merits of proportionality, the nature of rights, the practice of judicial review and moral and legal reasoning.

Their essays provide important new perspectives on this leading doctrine in human rights law.

### JUDGING POSITIVISM

Western Law professor **Margaret Martin’s** new book, *Judging Positivism*, published by Hart Publishing, Oxford, is a critical exploration of the method and substance of legal positivism.

The book explores the manner in which theorists who adopt the dominant positivist paradigm ask a limited set of questions and offer an equally limited set of answers, artificially circumscribing the field of legal philosophy in the process.

Judging Positivism primarily focuses on the writings of prominent legal positivist, Joseph Raz. Martin argues that Raz’s

theory has changed over time and that these changes have led to deep inconsistencies and incoherencies in his account.

The broader vision of jurisprudential inquiry defended in this book re-connects philosophy with the work of practitioners and the worries of law’s subjects, bringing into focus the relevance of legal philosophy for lawyers and laymen alike.

### TORT LAW: CHALLENGING ORTHODOXY

In this book, edited by professors **Stephen Pitel**, **Jason Neyers** and **Erika Chamberlain**, leading scholars from the United Kingdom, the United States and Australia challenge established common law rules and suggest new approaches to both old and emerging problems in tort law.

*Tort Law: Challenging Orthodoxy* considers broad issues such as the importance of flexibility over certainty in tort law and specific topics including the role of vindication in tort law, the relationship between criminal law and tort law, the role of malice in intentional torts and the role of statutes in tort law.

They propose new approaches to contributory negligence, emotional distress, loss of a chance, damages for nuisance, the tort of conspiracy and vicarious liability.

The chapters in this book were originally presented at the sixth biennial conference on the Law of Obligations at Western University in July 2012.





# Q&A IN CONVERSATION WITH PROFESSOR CHRISTOPHER NICHOLLS



CHRISTOPHER NICHOLLS

## What is the biggest myth about business law?

I think the biggest myth about business law is that it's a subject that is only of interest to the wealthy and powerful. This is as misguided as saying that the study of marine biology is only of interest to fish.

## Why is a business legal education important?

It's important, first, because business is important. It's the engine of economic growth and prosperity and the greatest

practical hope for easing world poverty. But an unrestricted profit motive can also lead to wasteful and destructive activity. Successful, socially useful business depends on legal infrastructure: enforceable contracts; clearly defined property rights; a reliable and trustworthy judicial system; stable financial institutions; sensible legislation; and regulation to protect people from fraud, reckless and irresponsible behaviour and so on. Our economic system depends on those legal institutions and on legal

professionals with a deep understanding of those institutions.

## What is the major highlight of Western's business law program?

One major highlight is our visiting professors and visiting speaker series, which are second to none. Since 2007, Western Law has hosted three Nobel-Prize winning economists, a former U.S. treasury secretary, the former CEO of the National Association of Securities Dealers (NASD) and over two dozen of the world's most

prominent corporate law scholars. While at Western, a recent JD graduate was able to take business law courses taught by the top corporate scholars from Harvard, Yale, Cambridge and Oxford. No other law school in the world can make that claim — not even Harvard, Yale, Cambridge or Oxford, actually.

## How important are the school's alumni and the profession to Western's business law success?

They're crucial. To name just a few examples, Geoff Beattie was instrumental in establishing our annual business law lecture series and establishing the corporate law chair created in his name. Torys LLP has been a key donor — supporting, among other things, the Beattie Chair, the Torys Corporate and Securities Law Forum and the Torys Pre-eminent Business and Law series. Stephen Dattels and Cassels Brock have been pivotal to our mining law and finance initiatives. McCarthy Tétrault funded our popular law and economics speakers seminar. The list goes on. There are many, many more individual and firm supporters and donors to whom we are very grateful.

## How does a law school respond to the current global climate?

We need to be thoughtful in our approach to globalization. No self-respecting university president will tell alumni, "We're striving to become more parochial." Certainly our students must be at the forefront of global business law issues — and of course at Western they are. We have a diverse curriculum which engages with leading-edge, cross-border issues. We host prestigious international visiting scholars and offer terrific business law summer internship opportunities for students.

But law is, necessarily, jurisdiction-specific. So we should also celebrate the fact that we are a Canadian institution, an Ontario institution and a proud member of the London and Southwestern Ontario community.

## New developments?

Three new business law chairs have been announced, including a Canada Research Chair in Law and Economics. We've partnered with other Western faculties and departments, including Economics and the Ivey School, to launch the Centre for Financial Innovation and Risk Management and a new interdisciplinary Masters degree in Financial Economics. Two outstanding scholars have taught here as Richard H. McLaren Visiting Professors in Business Law — Reinier Kraakman (Harvard) and Roberta Romano (Yale). And we're exploring enhancements to our business law specialization which we hope to unveil shortly.

## What are you reading?

Like a lot of other people, I'm reading *Capital in the Twenty-First Century* by the French economist Thomas Piketty. It's a fascinating account detailing the historical changes in the concentration of income and wealth. Lawrence Summers recently wrote a review of the book in which he described Piketty as "as a rock star of the policy-intellectual world." Piketty's argument, in a nutshell, is that "r" (the rate of return on capital) is greater than "g", the economic growth rate, which means that gains for the holders of capital (the wealthy) are outpacing the gains of income earners and that we should expect this to continue.

## Why do you think this book has become so popular?

Income inequality has become a kind of defining issue for the early 21st Century. Certainly it is an issue that President Obama has embraced. It's something that can't be ignored, although it is a much more complex issue than some people think. For example, as Summers has pointed out, the greatest increase in income inequality has actually occurred between the top 0.1 per cent and the rest of the top 10 per cent. None of the pat explanations for rising income inequality — like disparity in education or social background — have much explanatory power when you consider that the greatest increases are occurring between groups whose members all have pretty similar educational achievements and social backgrounds.

## How should a law school balance its role as a school providing professional training and a faculty of a major research university?

As a professional school, we certainly want to give our students the foundational knowledge and skills they need to contribute to the profession. But we are also a university faculty. And that means that providing "nuts and bolts" practical training can never be our primary role.

The university is a place for reflection and critical thinking and questioning. We have to strike the right balance between "job ready" training and developing a theoretical perspective through critical reflection. Sometimes practitioners find that puzzling or even a bit infuriating, but a university law faculty simply can't focus on preparing our graduates to excel during their first few months as articling students. We are playing the "long game" for our students.

*Christopher Nicholls is the Stephen Dattels Chair in Corporate Finance Law at Western Law and director of the Business Law program.*



# Alumni Gatherings

➤ From Dennings to Homecoming to class reunions, our ever-active alumni are keeping their collegial Western Law experience alive. Here's how you can stay connected - visit: [alumni.westernu.ca/get-involved/chapters/faculties/law.html](http://alumni.westernu.ca/get-involved/chapters/faculties/law.html)

MATT HIMEL '09, KEN NG '09, ADAM CHAMBERLAIN '11

MAIRI STEWART, EDWARD JOHNSTON, ROBERT CLARKE, KEVIN O'BRIEN, PINAR OZYETIS

LYNN MAXWELL '93, IAIN SCOTT



RICHARD MCLAREN, SHELAGH MARTIN, RON SCHMEICHEL '95

IAN KERR '95, MARTHA GREEN '95, CHRIS VAN BARR '94

MONICA SONG '94, REENA BHATT '94



CLASS OF '63 REUNION: TOM CLINE, ERNIE POPOVICH, JOHN MCGARRY, JOHN HALL, BRIAN SINCLAIR, DAVID STEINBERG, PETER PARTINGTON, COLIN MCNAIRN

GARY GIRVAN '76

CRAIG BROWN, ERIKA CHAMBERLAIN '01, MICHELLE GAGE '91



JUSTICE JEANINE LEROY, CAROLYNN CONRON LL.M.'13

NOYAN HILMI, ROXANA TAVANA '04



GEOFF COOPER-SMITH '09, DEANDRA SCHUBERT '09, ERIKA DOUGLAS '10

RAY WERBICKI '74, ANDREA MCKINNON '07, SHARON WILLIAMSON, JANET ROSS, NEHA CHAWLA '16

CHRISTINE TABBERT '98, ALEX COLANGELO '01

JONATHAN MAIER '04, LAURA KARABULUT '04

ROBERT SOLOMON, STEPHEN COXFORD '77, GEOFF BEATTIE '84



# Claiming your Western Law legacy

“ Three words epitomize the leadership, programs and people of Western Law: collegial - progressive - influential.”

MANON D. BONE  
Director of Development  
Faculty of Law



**From Small Groups to Big Influence** would best describe the road travelled by the vibrant Western Law alumni I have had the pleasure of meeting as your new director of development. It is a privilege to hear your comments consistently reaffirming the momentum behind Western Law's strategic plan.

Three words epitomize the leadership, programs and people of Western Law: **collegial - progressive - influential.**

Incredible thanks are owed to all of our generous donors. The results to date are proof. You have already achieved a fabulous 70 per cent (!) of our \$25-million campaign goal. With \$7.5 million to go, you can confidently claim your stake in your Western Law legacy.

Almost all of you have mentioned Western Law's small size, the experiential learning opportunities and especially – your Small Groups. You have undoubtedly carried with you in your personal and professional lives the benefit of Western

Law's collegial experience. Nowhere is this more apparent than the Class of '88 planning to raise funds to support a new student commons.

Led by our progressive Dean from the private sector, the members of the newly developed Dean's Circle are supporting the execution of Western Law's strategic plan. To date, you have witnessed the establishment of the first-ever Chair in Mining Law and Finance as well as the W. Geoff Beattie, (LLB'84), Chair in Corporate Law. Your input is welcome as we continue to put our plan into action.

**Western Law accepts the best. Sometimes the best need a hand.** As part of the influential network of Western Law alumni, consider paying it forward to help the next generation of students. For as little as \$1,500/year for five years you can establish an award in your name or as a tribute to someone you appreciate. Alternately, imagine naming a fellowship

or professorship around your practice specialty to sustain the influence of Western Law worldwide.

Your Western Law development team welcomes hearing your interests in claiming your stake in Western Law. Helping to achieve our goal, it is a pleasure to inform you that Michelle Bothwell, associate, external relations for Western Law is expanding her work in development for law.

Thanks to your collegial spirit, progressive thinking and valuable influence, you will shape and ensure our successful future. Join us and claim your Western Law legacy.

Sincerely,

Manon D. Bone  
Director of Development

## Campaign Priorities

Be Extraordinary will propel Western to the next level, set our students apart as exceptional leaders and enable us to achieve excellence on the world stage.

The Faculty of Law is recognized as one of Canada's premier law schools and promotes a broad, interdisciplinary and international experience. Our challenging academic curriculum, clinical experiences and international opportunities instill in our students a solid understanding of the law in a global context.

Anchored by professors who are leaders in their fields and are dedicated to excellence in teaching and research, Western Law has a proud tradition of leadership in the study of business law, public law, private law and international law.

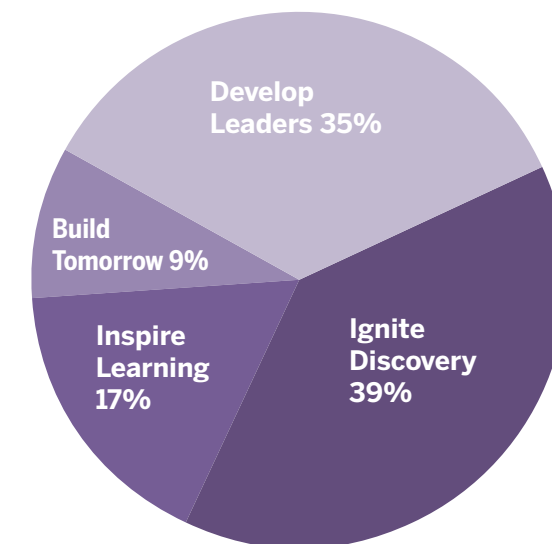
### Our Campaign

Western Law is seeking \$25 million to prepare the next generation of global leaders in the legal community and society at large. We are committed to enhancing our top-tier curriculum and to retaining and attracting leading scholars to the campus to engage with our students.

Our campaign efforts also focus on supporting initiatives that will broaden the legal knowledge our students gain in the classroom. We offer meaningful international internships, exchange opportunities and global learning experiences to equip our students with the knowledge and skills necessary to succeed in the global economy.

### \$25 Million Campaign

| Faculty of Law   | Goal                |
|------------------|---------------------|
| Develop Leaders  | \$8,890,000         |
| Ignite Discovery | \$9,700,000         |
| Inspire Learning | \$4,250,000         |
| Build Tomorrow   | \$2,200,000         |
| <b>Total</b>     | <b>\$25,040,000</b> |



### Progress to Date (as of April 30, 2014)





“Western Law will prepare students to become the next generation of global leaders in the legal community and society.”

- Iain Scott,  
Dean, Western Law

### Develop Leaders: Student Awards and Programs - \$8.89 million

Western Law offers awards, scholarships and bursaries to attract and recognize bright, hard-working students. Whether based on academic achievement, involvement in extracurricular activities or financial need, this support provides meaningful recognition and ensures access to education.

- Clinical Support
- Summer Law Internship Awards
- Enhanced Scholarships
- Bursaries/Financial Need Awards
- Western Law Fund

### Ignite Discovery Research & Academic Programs - \$9.7 million

Western Law is committed to giving our students exposure to leading legal scholars who examine a diverse range of legal issues to help equip our students with the tools they need to provide exceptional leadership. For example, we attract fellows to teach a variety of specialized topics through our January Term Program.

- Forums (Sport Law, Tax, Finance, Corporate Social Responsibility, Public Law, IT & IP, Health Law and Policy)
- Lecture Series/Workshops
- Mining Law & Finance Program
- January Term Program

### Join our Campaign

The support of the entire Western family of exceptional alumni and generous donors is essential to ensuring we have the resources needed to enable our students and faculty to achieve the extraordinary.

We invite you to join our remarkable journey and invest in opportunities to develop the next generation of global-ready leaders and deliver inspired learning and innovative discovery that will address the world's challenges.

**Be part of something that's already part of you. Be extraordinary.**

To make a gift online, visit [extraordinary.westernu.ca](http://extraordinary.westernu.ca)

Consider making a bequest. Including Western in your Will is one of the easiest ways to make a substantial gift to the University and create a legacy for future generations without diminishing your assets today.

Manon D. Bone  
Director of Development  
Faculty of Law, Western University  
t. 519.661.3953 e. mbone2@uwo.ca  
[www.westernu.ca](http://www.westernu.ca)

Michelle Bothwell  
Associate, External Relations  
Faculty of Law, Western University  
t. 519 661-3862 e. michelle.bothwell@uwo.ca



### Inspire Learning Faculty Leadership - \$4.25 million

Western Law is investing in our current faculty talent by augmenting the curriculum and conducting research to enhance our students' learning experience.

The following initiatives attract acclaimed academics and renowned lawyers to teach new perspectives.

- Two chairs established—funding secured
- Faculty fellowships

### Build Tomorrow Infrastructure - \$2.2 million

While establishing new infrastructure is the smallest component of our priorities, the need is no less critical and a responsibility we do not take lightly. Infrastructure projects provide the very foundation that enables students and faculty to realize their academic and professional goals.

- Clinics Space
- Smart Classroom
- Student Commons
- Learning Commons
- Chambers Café

## Faculty of Law Donors

We would like to recognize the following donors who have given or pledged \$1,000 or more to Western's Faculty of Law between May 1, 2013 and April 30, 2014.

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.

#### Donors of \$500,000 or more

Law Foundation of Ontario

#### Donors of \$100,000 - \$499,999

Bob and Anne Aziz

W. Geoff Beattie

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Richard McLaren

Mr. David Charles Mongeau

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Canada

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“It is my privilege to recognize the following donors who have pledged \$100,000 or more to the Dean's Circle. Their generous gifts and continuing strategic support and advice concerning the priority projects of Western Law benefit the entire Western Law community. Please join me in recognizing their many contributions.”

Dean Iain Scott

Bob Aziz

Geoff Beattie

Bill Braithwaite

Jay A. Carfagnini and  
Karen Trimble

Stephen Coxford

Perry Dellelce

Garth Girvan

Ian B. Johnstone

Richard McLaren

David Mongeau

Ronald Schmeichel

Robert Solomon and  
Dr. Barbara Lent

Kevin Sullivan



## Scholarships, Awards and Bursaries

Your support of student scholarships, awards and bursaries provides exceptional opportunities for students to be inspired by leading faculty while also providing recognition for their academic achievements.

We would like to thank the donors who have generously contributed to the following 2013-14 academic awards valued at \$1,000 or more.

|   |   |  |  |
|---|---|--|--|
| A. B. Siskind Scholarship                                       | Filion Wakely Thorup Angeletti LLP Award in Labour and Employment | Norton Rose Fulbright Canada LLP                     | The University of Western Ontario Bursaries – Law    |
| Ailbe C. Flynn LLB '97 Memorial Scholarship                     | Gowling, Lafleur, Henderson Entrance Scholarship                  | Osler, Hoskin & Harcourt – Rand Entrance Scholarship | Thorsteinssons LLP Award in International Tax        |
| Aird and Berlis Award in Contracts                              | Grad Pact Law Bursary   | Osler, Hoskin & Harcourt Award in Corporate Finance  | Torkin Manes LLP Award                               |
| Alex Kennedy Memorial Scholarship                               | Harold G. Fox Education Fund Awards                               | Osler, Hoskin & Harcourt Award in Tax Law            | Torys LLP Award in Business Law                      |
| Alex R. McIntyre Award  | Henry Goldentuler Scholarship                                     | Right Honourable Brian Dickson Award                 | Tremayne-Lloyd Family Bursary                        |
| Allan Findlay Memorial Entrance Scholarship                     | Insolvency Institute of Canada Bruce Leonard Prize in Insolvency  | Robert Solomon Scholarship in Tort Law               | UWO Law Alumni Association Bursaries                 |
| Badun-Gillese Entrance Scholarship                              | J.S.D. Tory Writing Prize   | Sonja J. Gundersen Awards                            | UWO Law Alumni Association Entrance Scholarships     |
| Blake, Cassels & Graydon LLP Scholarship                        | James G. McKee Award  | Stephen Watchorn Award                               | Waterloo Region Law Association Entrance Scholarship |
| Blake, Cassels & Graydon LLP Entrance Scholarships              | James Watkinson QC Award  | Student Legal Society Entrance Scholarship           | Western Alumni Global Opportunities Award in Law     |
| Brown & Partners Scholarship in Insurance Law                   | Joanne Poljanowski Memorial Bursary in Law                        |  |  |
| Bruce Alexander Thomas Bursary                                  | Kevin J. Comeau Continuing Scholarship                            |  |  |
| Cavalluzzo Hayes Shilton McIntyre & Cornish Award in Labour Law | Labour Law Achievement Award                                      |  |  |
| Cheryl Waldrum Global Opportunities Award in Law                | Law Society of Upper Canada Education Equity Award                |  |  |
| Class of '97 Law Grad Pact Bursaries                            | Mackewn, Winder, Kirwin Entrance Scholarship in Law               |  |  |
| Cohen Highley LLP Award   | Margaret E. Rintoul Award in Estate Planning                      |  |  |
| Colin D. Leitch Award   | McArdle-MacKinnon 125th Anniversary Alumni Award                  |  |  |
| Criminal Lawyers Association of Ontario Award for Second Year   | Michael Allen Harte Award   |  |  |
| Darlene and Brian Empey Law Award                               | MM Entrance Award in Law  |  |  |
| David Thompson Alumni Entrance Scholarship                      | Myer and Sarah Solomon Entrance Scholarships                      |  |  |
| Fasken Martineau DuMoulin LLP Awards                            | Newton Rowell Entrance Scholarships                               |  |  |
|   | Nidhi Kanika Suri Memorial Award                                  |  |  |
|   | Norman Craig Brown QC Continuing Bursary in Law                   |  |  |

“The donors of the award I received have motivated me even more to achieve my goals; I too hope to one day make an impact on other individuals' lives.”

*Third-year law student and recipient of the Darlene and Brian Empey Law Award*



**Peter P. Mercer '76**, president of Ramapo College of New Jersey, and former Dean of Western Law, was one of two recipients of the 2014 West Bergen Mental Healthcare's Distinguished Service Award which is the symbol of excellence given each year to exceptional community leaders.

### 1963

**Justice David M. Steinberg**, has recently retired as a family law judge and joined the Alternative Dispute Resolution Group at Ross & McBride. Steinberg is a founding editor of the Reports of Family Law (R.F.L.), co-editor of the annual editions of the *Ontario Family Law Practice* and was the recipient of the Award of Excellence from the Family Law Subsection of the Ontario Bar Association (O.B.A.) in 2012. He received the Distinguished Service Award from the Association of Family Conciliation Courts in 1999 and was past chair of the Family Court Rules Committee.

### 1965

**Carl Fleck**, Q.C. was recently chosen to share his story, “Why I went to law school”, on a site published by the Ontario Bar Association – [whyiwenttolawschool.ca](http://whyiwenttolawschool.ca)

### 1967

**Gordon Walker '67** was appointed a commissioner to the International Joint Commission in June 2013. The International Joint Commission (IJC) is an international organization created by the Boundary Waters Treaty, signed by Canada and the United States in 1909. The IJC prevents and resolves disputes between the U.S.

and Canada and pursues the common good of both countries as an independent and objective advisor to the two governments.

### 1969

**John Eberhard** has been appointed a Member of Social Security Tribunal (SST) with the Government of Canada. The new SST was created as an independent administrative tribunal that provides efficient, effective and independent appeal processes for Employment Insurance (EI), the Canada Pension Plan (CPP) and Old Age Security (OAS) decisions.



**1974**

**Joseph Arvay**, Q.C. joined Farris, Vaughan, Wills & Murphy LLP as a partner in the litigation group. Farris is one of British Columbia's leading corporate and litigation law firms. Arvay is a fellow of the American College of Trial Lawyers and was recently selected a Bencher of the Law Society of British Columbia (Vancouver) for a two-year term commencing January 2014.

**1975**

**Marvin Bernstein**, UNICEF Canada's chief policy advisor, received the Child Welfare League of Canada's 2012 Achievement Award.

**1970**

**Alfred Mamo** was recognized by his peers as one of the Best Lawyers in Canada, 2014.

**1976**

**Archibald Nesbitt** has been appointed as non-executive chairman of the Channel Resources Board.

**1977**

**Rosemary McCarney**, president & CEO of Plan International Canada Inc., has been recognized as one of the Top 25 Women of Influence by *Women of Influence* magazine.



Alfred Mamo '70



**Christopher Bredt '79**, partner at Borden Ladner Gervais, along with a team of 14 people, climbed Mount Kilimanjaro this summer to raise money for the Canadian Organization for Development through Education (CODE), which promotes reading programs in Africa. The group raised approx. \$187,000 for CODE, which will be matched three to one by the federal government. It was the third time Bredt has scaled the mountain for CODE.

**1978**

**Christine Elliott**, Whitby-Oshawa MPP, launched her bid for the leadership of the Progressive Conservative party. Christine is the widow of former federal finance minister Jim Flaherty.

**Terence Kavanagh** has been appointed chairman of the Board of Directors of Kingsway Financial Services Inc. in Toronto.

**1979**

**Barbara Legate**, founder of Legate & Associates LLP in London, has been recognized as the Lawyer of the Year in Personal Injury in London and Windsor by *Best Lawyers* – a peer reviewed guide to the legal profession worldwide.

**1980**

**Caroline Hunt** has been elected fellow to the Institute of Chartered Accountants of Ontario.

**Dale Ponder**, managing partner and chief executive of Osler Hoskin & Harcourt, has been recognized as one of the Top 25 Women of Influence by *Women of Influence* magazine. She is also one of the winners of 2013 Lexpert Zenith Awards: Women Leaders in the Legal Community. Dale has also been appointed to the 2014 Advisory Board of the Canadian General Counsel Awards.

**Rick Schubert** is now associate partner of Aon Hewitt's Executive Compensation Practice for Canada. He is located in Toronto.

**1983**

**Barbara Sutherland**, has been appointed to the Board of Directors of Canada Lands Company Ltd, a national real estate company.

**1985**

**Janet Leiper**, integrity commissioner at the City of Toronto, is one of the winners of 2013 Lexpert Zenith Awards: Women Leaders in the Community.



**Donna Kennedy-Glans '84**, MLA for Calgary-Varsity, has been named to the second annual Canada's 50 Most Powerful Business People 2014, presented by *Canadian Business* magazine.



**Ninette Kelley '83** has served as the regional representative for the office of the United Nations High Commissioner (UNHCR) since May 2010. Her organization provides shelter, health care, education, psychosocial support and community outreach throughout Lebanon.

**Bernard Morrow** has been appointed as New Complaints Resolution Commissioner by The Law Society of Upper Canada.

**1987**

**Kevin Coon** has been appointed to the 2014 Advisory Board of the Canadian General Counsel Awards.

**Robert MacIsaac** has been appointed president and CEO of the Hamilton Health Sciences effective February 1, 2014.

**1988**

**Victoria Réaume** has been appointed general secretary of the Elementary Teachers' Federation of Ontario (ETFO).

**R. Shayne Kukulowicz** joined Cassels Brock & Blackwell LLP, Toronto as partner in the firm's restructuring and insolvency group. The focus of his practice is on commercial restructurings, receiverships and bankruptcies. He has significant expertise in cross-border restructurings and liquidations, formal and informal corporate

reorganizations, as well as security enforcement and creditor remedies.

**Maura Lendon**, chief general counsel and vice president Primero Mining Corp., was a finalist in the 2014 Canadian General Counsel Awards in Mid-Market Excellence.

**Wendy Stewart** has been certified by the State Bar of California's Board of Legal Specialization as a legal specialist in Immigration and Nationality Law. She is a senior attorney with Jewell & Associates, PC in San Francisco.

**1991**

**Ken Dhaliwal** joined Dentons Canada LLP as an entertainment partner.

**1992**

The Honourable **Alissa K. Mitchell**, a lawyer with Miller Thomson LLP London, has been appointed a judge of the Ontario Superior Court of Justice (London).

**1993**

**Deborah Sall** published a legal thriller, *A Face You Wouldn't Remember*, under the pen name, H.O.N. Thornhill. This eBook, which is the first in a series, is available on Amazon.ca and Amazon.com



**Sally Catto '93**, has been appointed general manager of programming for CBC Television.





**Michael Copeland** LLB '93, MBA '99, president and chief operating officer of the Canadian Football League, was the guest speaker at the Western Law student awards ceremony in June. He told the new grads, "Some of your greatest achievements will come after a significant period of uncertainty and perseverance. Have confidence in yourself and test your potential."

**Michael Webber**, vice-president, legal at Rogers Communications Inc., was a recipient of the 2014 Canadian General Counsel Award in the Deal Making category. Michael led the legal team in the Rogers' ground-breaking \$5.2-billion, 12-year National Hockey rights deal, which sets a precedent for sports broadcasting.

**1996**  
**Drew Hasselback** has been appointed to the 2014 Advisory Board of the Canadian General Counsel Awards.

**Lara Pella**, assistant general counsel and corporate secretary at Imperial Oil Canada in Calgary, has been awarded the Commodities Deal of the Year Award by Western Canada General Counsel.

**1997**  
**Daniel Goldberg** has been appointed chair of Special Olympics Canada.

**1999**  
**David Lederman**, partner at Goodmans LLP, was recognized in 2012 as one of *Lexpert* magazine's "Rising Stars: Leading Lawyers Under 40".

**Kevin O'Callaghan**, partner at Fasken Martineau in Vancouver, was named one of *Lexpert* magazine's "Rising Stars: Leading Lawyers Under 40" in 2012.

**Melaney Wagner**, partner at Goodmans LLP, was named a "corporate lawyer to watch" by the 2013 *Lexpert* Guide to the Leading U.S./Canada Cross Border Corporate Lawyers in Canada.

**2000**  
**Dom Magisano**, Lerner LLP, has been listed in the 2014 Benchmark Litigation Ranking – Canada Edition.

**2001**  
**Martin Painter**, Western Mustangs head coach for women's soccer, was named CIS (Canadian Interuniversity Sport) Coach of the Year.



Ian Johnstone '11

**2005**  
**Shelby Austin**, founder of ATD Legal Services PC, was named as one of the 2012 *Lexpert* magazine's "Rising Stars: Leading Lawyers Under 40".

**Yuri Chumak** and **Lorraine M. Fleck** have joined forces to create Fleck & Chumak LLP, a new boutique intellectual property law firm based in Toronto.

**Andrea Gonsalves**, partner at Stockwoods LLP, is a winner of the 2014 Precedent Setter awards as one of five lawyers to watch in 2014.

**Matthew Kindree** has been named a partner at Baker & McKenzie LLP, Toronto.



Bernard Morrow '85



Jonathan Foreman '00 has been named one of the Top 20 local leaders Under 40 by *Business London* magazine.

**2006**  
**Rebecca Moskowitz** joined Torys LLP, Toronto focusing on corporate law.

**2007**  
**Ryan Kalt** was appointed chief executive officer of Athabasca Nuclear Corporation on April 14, 2014. Kalt founded Gold Royalties Corporation in 2010 and has been its chief executive officer & corporate secretary since August 2012.

**Sara Shody**, an associate at Torys LLP, was a finalist on *Jeopardy* in May.

**2010**  
**Matthew Wilson** has been named one of the Top 20 local leaders under 40 by *Business London* magazine.

**2011**  
**Mark St. Cyr** joined Cassels Brock & Blackwell LLP, Toronto in the construction law group where he advises construction industry clients at all stages of their projects from procurement right through to dispute resolution.



Matthew Wilson '10

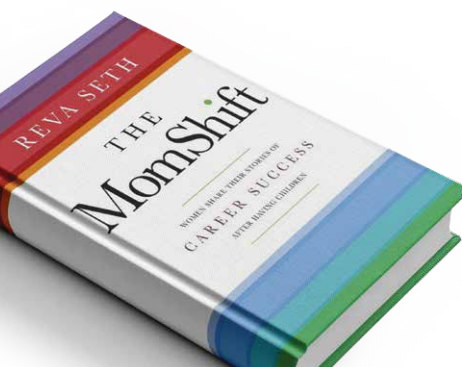


Maura Lendon '88





**Reva Seth '01** latest book *The MomShift: Women Share Their Stories of Career Success After Having Children* was published by Random House in February 2014.



**Ian Johnstone** (LLM'11) has purchased an historic Jarvis St. mansion in Toronto to house the offices of Johnstone & Cowling LLP, a fast-growing labour law firm. The building's extensive renovations include a proudly displayed Western University coat of arms. The firm also plans to open their new London, Ont. office in early 2015.

**2012**

**Vitali Berditchevski** joined Torys LLP, Toronto focusing on civil litigation in a variety of areas including corporate/commercial, class actions, employment law and public law.

**Laura Blumenfeld** joined Blake Cassels & Graydon LLP, providing advice to employers

in all areas of employment and labour law, including employment standards, human rights, labour relations, workplace safety and insurance, privacy and occupational health and safety and wrongful dismissal.

**Jordan Fenton** joined Torys LLP, Toronto focusing on corporate law.

**Braden Jebson** joined Torys LLP, Toronto focusing on corporate law.

**John Mather** joined Blake Cassels & Graydon LLP. He has a broad civil and commercial litigation practice. He completed his articles in 2012/13 during which he was seconded to a multinational retailer corporation, where he worked on a variety of litigation, employment and commercial matters.

**Leah Noble** joined Blake Cassels & Graydon LLP where she focuses on advising clients on all aspects of competition law, including mergers and acquisitions, joint ventures, distribution practices, criminal and civil litigations, and compliance. She also advises on foreign investment merger review under the Investment Canada Act.



**Drew Hasselback '96**



**Andrea Gonsalves '05**

**IN MEMORIAM**

**William C. Hamilton** ('66) on April 20, 2013, in Guelph, Ontario

**Jeffrey C. Lawrence** ('73), on January 23, 2014, in Ottawa, Ontario

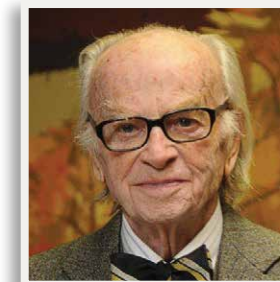
**Stanley Tassis** ('73), partner with Laxton Glass LLP, on June 8, 2014

**Lois Aicken Fitzgerald** ('78) on September 9, 2013 in Simcoe, Ontario.

**Paul Edward Dickey** ('79) on May 25, 2013, in Barrie, Ontario

**Saul D.B. Fridman** ('82) on June 30, 2014 in Hong Kong. Son to Janet and Prof. Gerald Fridman

**George Edward Johnson** ('86) on August 8, 2014 in Hamilton, Ontario



**Western mourns the death of W.R. Poole**

**William R. (Bill) Poole**, a former distinguished adjunct law professor, died May 25, 2014 at age 96.

Poole was a graduate of the University of Manitoba and attended the London School of Economics. With the arrival of WW2, Poole returned to Canada and enlisted in the Royal Canadian Navy where he rose to the rank of Lieutenant Commander.

He earned his law degree from Osgoode Hall Law School and practised in the London, Ontario-based law firm of Poole, Bell & Porter.

A highly respected criminal lawyer and much-admired teacher, Poole's impressive legal career spanned more

than 50 years. Poole taught Criminal Law at Western's Faculty of Law from 1964 to 1972.

In 2010, Western Law Alumni from his classes honoured their friend, mentor and esteemed professor by establishing the W.R. Poole Q.C. Bar Fellowship. The fellowship enables Western Law students to spend time at the Inns of Court in London, England.

In memory of W.R. Poole, Q.C., donations may be made to the W.R. Poole, Q.C. Bar Fellowship, Attn. Michelle Bothwell, Faculty of Law, Western University, 1151 Richmond Street, London, ON, N6A 3K7.

**Stanley C. Tassis Memorial Award established**

In honour and memory of their partner, colleague and friend, **Stanley C. Tassis ('73)**, Laxton Glass LLP has established the Stanley C. Tassis Memorial Award at Western Law. The endowed award will be given annually to an undergraduate student completing their final year in the Faculty of Law who has demonstrated outstanding

advocacy skills in a broad range of appearances in court or at hearings, mediations, negotiations or settlement discussions during their Western Law school career. "Stan's positive outlook, genuine love of life, integrity and dedication to his family were an inspiration to everyone," said Jamie Pollack, a lawyer at Laxton Glass.



# What's legal? What's right?

*Bridging corporate social responsibility and the law brings new perspectives to business law*

BY FRED DEVRIES



SARA SECK

When an eight-storey garment factory in Bangladesh collapsed in April 2013, more than 1,100 workers died in the rubble.

As news of the tragedy unfolded, survivors publicly talked about poor working conditions, dismal wages and unsafe buildings. Their stories shifted public and media attention

to the clothing distributors, such as Loblaw's Joe Fresh, which had signed contracts with overseas factories to produce their apparel.

For Sara Seck, the incident highlights the tension between "black letter law" and the social obligation of corporations – the difference between only doing what's legal and doing what's right.

"While many would argue that Loblaw is not legally liable for the consequences of the building collapse or the factory owner's actions," said Seck, associate professor at the Faculty of Law, "there's a growing societal expectation that businesses will adhere to international standards through their supply chains, respecting the safety and human rights of workers."

As for Loblaw, it pledged compensation for victims and committed to inspections of Bangladeshi garment factories. It also joined an industry coalition to advocate for improved building safety.

The Loblaw case study is one of many in Canada illustrating the link between corporate social responsibility (CSR) and business law. More than a decade ago, Talisman Energy faced fierce criticism of its investments in war-torn Sudan, which were eventually sold in 2003. Since then, the company has adopted CSR goals, including a human rights commitment, for its projects. In another example, the mining company HudBay is being sued for alleged human rights abuses and sexual violence attributed to security personnel near its former Guatemalan operations. The case is currently before Canadian courts.

These examples, said Seck, demonstrate a growing need to bridge business law with human rights, environmental and advocacy law. Traditionally, business law was solely concerned about the legal side of mergers and acquisitions, trade and finance. However, as a result of the UN's Guiding Principles on Business and Human Rights in 2011, corporate leaders have a responsibility to develop and follow appropriate human rights policies.

"Up until 10 years ago, business lawyers looked at the 'black letter law' to advise clients of what they were legally obligated to do or not do," said Seck. "But now, lawyers are increasingly realizing the importance of giving legal advice that is sensitive to the social context of corporate operations and that failing to do so has both financial and reputational costs for clients, as well as grave

implications for those whose rights are violated."

Yet, as a new and evolving presence within business law, CSR raises many unanswered questions for lawyers and their clients. "It's an area of law that is moving so quickly that there's a need to keep up with developments with ongoing research and analysis of its impact on legal education and practice," said Seck.

With its strong reputation for business law in Canada and its goal of educating well-rounded graduates, Western's law school is well positioned to lead the training of students in CSR and the law.

"We are leveraging our business law expertise into a broader range of legal training and ethics, making our students better able to address the issues that may arise in their career," said W. Iain Scott, dean of the faculty. "Providing them with perspectives on corporate responsibility will draw on many ethical, moral and social questions and train them to more broadly see what is the right thing to do."

That kind of legal training enables students in business law to engage with those interested in human rights law.

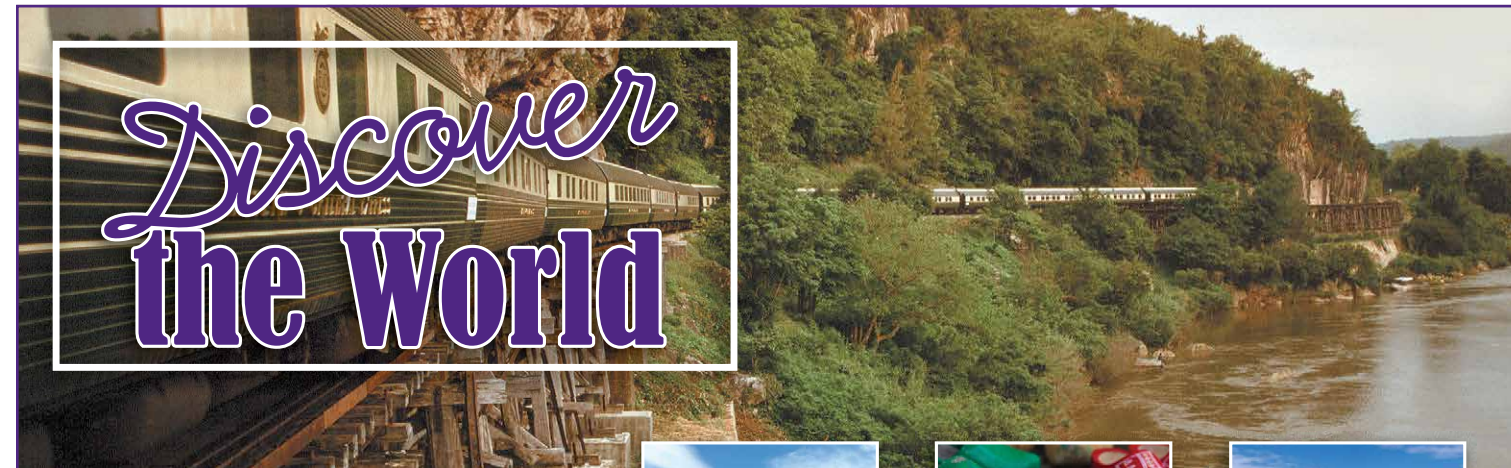
"In my law classes on CSR, students have rigorous and vibrant debates about the obligations of lawyers and a company's social license to operate," said Seck. "These conversations give our students a perspective on the many shades of grey that affect corporate decision-making." **WL**

**“Just because you can, doesn't mean you should.”**

SARA SECK  
Associate Professor  
Faculty of Law

## What is corporate social responsibility?

Defining corporate social responsibility (CSR) and its relationship to law is contested. Broadly speaking, it integrates economic, environmental and social (including human rights) objectives into corporate decision-making so that businesses can obtain and maintain a 'social license to operate.' The law can serve as a driver of CSR through, for example, securities, human rights, environmental, international and finance laws.



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**Autumn 2015**  
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To view all upcoming trips, visit [alumni.westernu.ca/travel](http://alumni.westernu.ca/travel).

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**Susan Henderson**

**Tel:** 519.661.2111 or 1.800.258.6896 ext. 85871 **Email:** [discovertheworld@uwo.ca](mailto:discovertheworld@uwo.ca)



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Dale Ponder (LLB'80) is Managing Partner and chief executive of one of Canada's preeminent law firms, Osler, Hoskin & Harcourt LLP. She has led some of the country's most innovative M&A deals and is a mentor to a new generation of lawyers. And her extraordinary career in law started at Western.

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