

# VISTAS



Robot Lawyers?  
Legal Tech, AI, and  
the Practice of Law

Professor Andrew  
Newcombe Appointed  
to Softwood Lumber  
Dispute Panel

2019 Distinguished  
Alumni Award Recipient  
Valerie Jepson ('01)

UVic's Longest Running  
Centre Celebrates 30 years  
of Bridging the Pacific

Reimagining Justice:  
Ideafest 2019

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# Dean's Message

DR. SUSAN BREAU, DEAN OF LAW



SUSAN BREAU Dean of Law

Welcome to our latest edition of *Vistas*. This first year of my Deanship coincided with the successful first year of the JD/JID program and a very busy year of activity for our faculty, staff and students. The articles in this edition give you some of the highlights of our year, including profiling Valerie Jepson ('01) who received our distinguished alumni award and our honorary doctoral degree recipient Neil Gold, one of our founding faculty and the founding director of the Law Centre.

The law school is educating students in a time of great change in the legal profession. Our law students are responding to these challenges by participating in a wide variety of clinical and *pro bono* activities to understand the needs of their communities. In this edition we highlight the excellent podcasts that the students of our *Appeal*

*Journal* have completed, demonstrating the willingness to communicate the research of *Appeal* authors to a wider audience. In addition, our Access to Justice Centre for Excellence under the inspired leadership of our Lam Chair Jerry McHale QC is engaging in research on how access to justice can be improved and there is an article in this edition about artificial intelligence and the future of the practice of law. Also highlighted is Professor Andrew Newcombe's ('95) appointment to the binational NAFTA Chapter 19 panel on the softwood lumber dispute between Canada and the United States. Our law students are being introduced to the international dimensions of the practice of law.

Our law faculty is expanding and we will profile new faculty appointments in our next edition. We have also formed two new committees; the Experiential Learning Committee and the Internationalization Committee to respond to challenges of educating students in legal skills needed for a changing practice landscape.

In this edition I would also like to introduce our new Alumni and Annual Giving Officer, Bernadette Lynch. Bernadette comes to us with a wealth of experience in fundraising, marketing and event management. She has been involved on a volunteer basis with the Starlight Children's Foundation for the past 15 years as a fundraiser, board member at large, public relations consultant and wish granter. Most

recently Bernadette was Manager, Student Recruitment, with Royal Roads University. She will be reaching out to many of you over this next year.

As I said in the last edition, I would also be grateful to hear from any of you with suggestions on how we might respond to the challenges of educating the lawyers of the future and I thank those of you who have already responded with excellent suggestions. 🇩🇪

**Dr. Susan Breau can be contacted at:**  
[lawdean@uvic.ca](mailto:lawdean@uvic.ca)

# The Role of UVic Alumni Relations

BY BERNADETTE LYNCH, ALUMNI AND ANNUAL GIVING OFFICER

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Whether it's been months or years since you've last been to campus, you'll always be a part of the UVic Law family. The Faculty of Law Alumni Relations team can help you stay connected — there's so much happening with your *alma mater* that we don't want you to miss out on!

We want to hear about your current professional and academic pursuits. So many of you are doing fascinating things and we'd like the opportunity to brag about you a little! We also want to keep you informed about recent news, upcoming events at the law school, and special activities associated with your graduating class.

## Connecting with your UVic Law Community

The UVic Law alumni community is an extension of the community you built as a law student. You can access our resources to reconnect with your

peers and renew the camaraderie that you enjoyed as a student. You also have access to the law careers resources. As an alumni, you play an important role in the future of UVic Law and the growing alumni community.

### How to Connect:

- Check out our [website](#) for recent alumni updates or to preview upcoming events.
- Phone or email us to update your contact information or to simply touch base.
- Request to join the [UVic Law Alumni Group](#) on LinkedIn and join our discussions.
- Assist UVic Law students as a mentor or by making an on-campus presentation.
- Share career advice and guidance with current students.
- Volunteer to represent your graduating class or help organize alumni reunions and other special events.
- Find out how you can make a vital contribution to the ongoing success of the law school by donating to UVic Law.

### Giving Back to Current Students

Over the past four decades, our alumni have established a truly impressive tradition of maintaining their connections to UVic Law. One of the most rewarding aspects of staying in touch is the chance to give back by assisting

current students. You can share stories about your law school experiences or offer them helpful advice as they begin to explore a career in law.

You can assist current students in many different ways, and with as much or as little time commitment as your schedule allows. As a graduate, you know how helpful it can be for a student to attend a presentation by a legal professional or chat with a practising lawyer over lunch or a cup of coffee. By acting as a mentor to prospective lawyers, you can give back to your school in a way that is invaluable — and greatly appreciated by everyone at UVic Law.

### Reunions / Alumni Events / Receptions

We are happy to help you get in touch with former classmates that wish to do the same. You can also volunteer to be a class representative or help organize alumni gatherings, reunions or other special events in Victoria or in your respective cities.

### Contact Us

For more information, to update your contact information, or just to touch base, please contact our newest team member, Bernadette Lynch, Alumni & Annual Giving Officer. [//](#)

**Bernadette Lynch**  
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# Robot Lawyers? Legal Tech, AI, and the Practice of Law

Interview with Peter Feldberg ('82), Firm Managing Partner, and Robert Garmaise, Chief Innovation Officer, Fasken

BY MARNI MACLEOD ('93)



**Peter Feldberg ('82)**  
Firm Managing Partner, Fasken

**Robert Garmaise**  
Chief Innovation Officer, Fasken

Popular culture paints artificial intelligence and automation as leading to a dystopian future à la *Ex Machina*, *The Terminator*, *Blade Runner*, *The Matrix* and the list goes on. But is this the case? For some reality-based thoughts on the integration of legal tech tools, like AI, into the practice of law, I spoke to Peter Feldberg ('82), Firm Managing Partner at Fasken and the firm's Chief Innovation Officer, Robert Garmaise.

### Some view AI as an unwelcome disruptor. What's your take?

**PF:** When AI applications started to become more visible, and used, I think there was a sense among many lawyers that they didn't understand the technology, what they should be using, and some significant concern about their ability to tell what was useful and real from what was simply hype. Our approach was to hire Robert (Garmaise) and create an Innovation Group to work with the new tech to demystify it for us. The Innovation Group conducts assessments of what might be useful to our clients (and us) and determines how we should introduce new tools into our organization and train people to use them.

### Robert, what was step one?

**RG:** I joined Fasken around the time of our firm retreat, and there was a lot of brainstorming around innovation. We piggybacked on that and did all sorts of outreach and focus groups internally with partners, associates, and supporting functions to identify areas that needed to be explored and required answers. That turned into version one of our innovation roadmap. AI was a part of that roadmap, but not every initiative had an AI solution behind it. There was some AI, some other tech, and some items on the roadmap that didn't include technology at all.

### For AI, what were the leading edge areas?

**RG:** There were three areas, and there will be more. The first was eDiscovery. We use an application called Relativity which isn't new for Fasken, but different lawyers are still coming up the curve on it. The second was KIRA, a machine learning software applicable to due diligence and contract review. This is an example of something that the Innovation team has launched and the uptake has been very good. We are using KIRA on roughly 1000 documents a month, so that's 1000 documents that associates or students no longer have to read in full detail. In addition to driving quality and productivity, KIRA has been an engagement driver as well. Our third AI foray is in the area of document proofreading. We have two tools we are experimenting with, one of which is a homegrown tool called Meese QA. The goal is to use it to identify legal document "gotchas" like undefined terms, duplicate definitions, and mis-numbered clauses. It also flags whether the right clause has been used for a given agreement. Meese QA isn't just a basic proofreading tool, but also an advanced AI-type tool where the machine is helping lawyers with tasks.

**PF:** I would add that when Robert says homegrown tools, he means very much homegrown. Mark Bowman, one of our associates, was a coder from Stanford before law school. Mark has his own

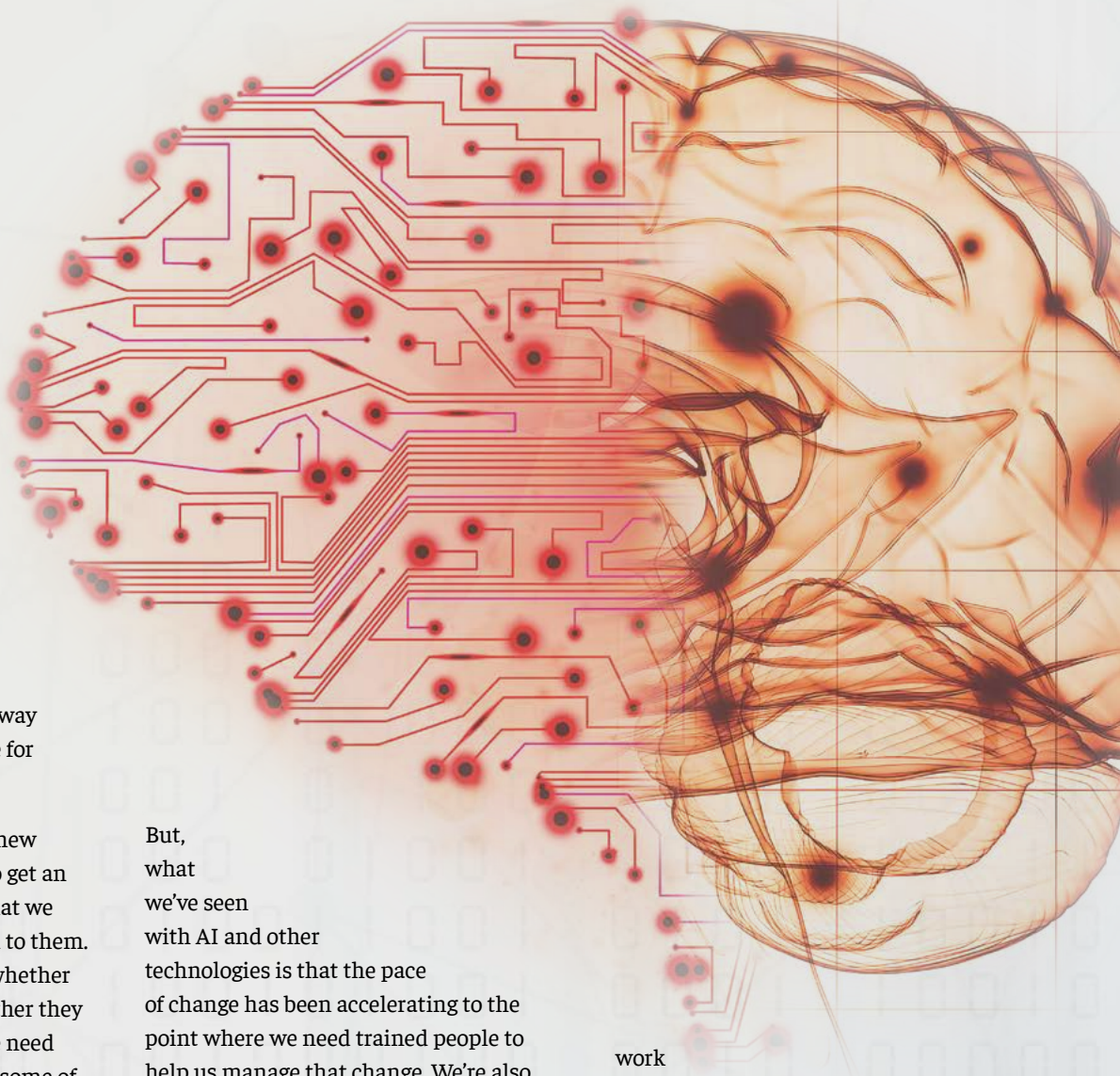


**Note:** The May 30th issue of *Law Times* published an article featuring Mark Bowman and his AI platform. [Read the article.](#)

start-up company, and we're incubating it within our Innovation Group. So we have our own internal AI work being done as well as buying applications from outside.

### Did you conduct focus groups with clients to see how receptive they are to AI?

**RG:** Increasingly we have. We have an Innovation Council that we run in our various offices where we invite clients for focus groups. We've got councils going in Montreal and Toronto, and we are looking to establish one in Vancouver. We also have regular webinars where we invite clients to see our latest tools and give their feedback. In the fall, we are planning to run a tech fair where we will invite clients into each of our offices and have them interact with tools to get their input. We are always experimenting with different ways to inject client feedback directly into the process.



## How do the Innovation Councils work?

**RG:** They operate as sounding boards for our Innovation roadmap. They let us know whether we have the right tools and if there are any obvious gaps. The Innovation Councils also help us confirm that we are thinking about our initiatives in the right way and that they are providing value for our clients.

**PF:** Part of our goal is to take the new available technology to clients, to get an assessment of whether or not what we might buy, develop, use is helpful to them. And, as Robert says, finding out whether we're missing something or whether they see something elsewhere that we need to consider. Or, and this ties into some of Mark Bowman's comments about AI, are there other problems out there that are looking for a solution that haven't been addressed yet? The Innovation Councils help us to find out what problems clients (and our lawyers) are encountering. Some of our clients have large legal departments of their own, and are also trying innovative solutions, so it's a bit of back and forth on what technologies or approaches might be helpful.

## Is the shift to AI the same kind of shift we saw with the introduction of the fax machine and email, or is it more tectonic?

**PF:** Yes, and no. The business of law is always changing. That is a constant. The replacement of mail delivery by the fax machine, as an example, was a sea change, in a way by speeding up the pace of communication and, thereby, practice.

But, what we've seen with AI and other technologies is that the pace of change has been accelerating to the point where we need trained people to help us manage that change. We're also seeing a shift in what machines can do for us. Before, they made work "faster, cheaper, better" — they could type faster and communicate quicker. Basically, I am referring to computers and email. But now when you're getting analytics done by machines, it's starting to take away some of the more mundane legal work, and potentially some of the thinking work that requires research and analysis skills. That's the potential. When I think about a tectonic shift, I think more about what legal skills will be required in the future rather than what technological change will do to the practical delivery of service or the administrative side of the business of law. I think most of this change will be positive. Anytime you can make something faster, cheaper, and have better quality control, it's a good thing for everybody. You lower costs, you reduce repetitive work, and you leave the creative

work to your professionals, which should be more enlightening and rewarding for them. I do think that in the future, we might be looking harder at recruiting and training people with different skill sets than we have today and I think that will be the most significant change.

**RG:** I agree. I think AI and new legal tech does change the skill set going forward, but this will be a longer process. The AI tools that we're implementing right now aren't so much tectonic changes as they are symptomatic of things to come. For now, I think it's a net positive. We are getting rid of mundane work so lawyers can focus on the value-add work. We are also making some of the lower-end work more economically viable so that we can provide a one-stop shopping experience for our clients.





### **What was the initial impetus for bringing AI into the firm?**

**PF:** It was largely threefold.

First, there's always pressure from the client side to get better and more efficient, and that's been increasing particularly as clients have become more aware of technological tools and want to be sure they are being used to their benefit. The second one is really internal. We have a whole generation of younger lawyers who are comfortable with technology, and frankly frustrated if they aren't using the best tools possible. Third, is straight competitiveness. We have to be, if not at the cutting edge, at least at the leading edge, so we are keeping up with our competition.

**RG:** You don't make an AI decision differently than you'd make any other technology or change decision. The questions are the same. Can we do something faster or better? Do we think there's a business case? Are clients going to love it? Will lawyers adopt it? It's the same calculation and the fact that a solution includes AI is just an added bonus.

### **Is AI as a positive step or something you don't have a choice over?**

**PF:** I think it's both. It's positive for the reasons Robert mentioned earlier. There's an opportunity to keep your people motivated by having less mundane work in the organization, there's an opportunity to do more, simply because you can do things faster. And, frankly, there's an opportunity to do things better overall. All of that is positive. Do you

have a choice? I think you have a choice over how fast you adopt technology. And you can choose how deeply you take technology into your culture. But, can you avoid it altogether? Not without repercussions.

### **What practice areas have been most receptive to new technologies?**

**RG:** Our labour and employment practice is a good example. We have the leading practice in the country and they've been early adopters of initiatives like our client portal. Our labour practice has a transactional nature that lends itself to data analysis and workflow automation. As a result, they are huge proponents of using technology to improve workflows. This includes employment agreements, grievances, and termination agreements, among other things.

### **Biggest challenge in terms of change management?**

**RG:** The sheer breadth of possibilities. The challenge is how to prioritize, sequence, and decide, where we are going to try to make an impact. Our lawyers have a lot on their plate, so we need to make sure that our initiatives are high impact and easy to use. Otherwise, it's really hard to get their attention.

**PF:** It's really about bandwidth and prioritizing.

### **How has it been getting the senior generation to embrace AI and tech in general?**

**PF:** You are always going to have a certain percentage of lawyers who will not be overly technically adept. That percentage will diminish over time. At our firm, there's an acceptance that having a technological focus is a good thing, whether or not they're going to

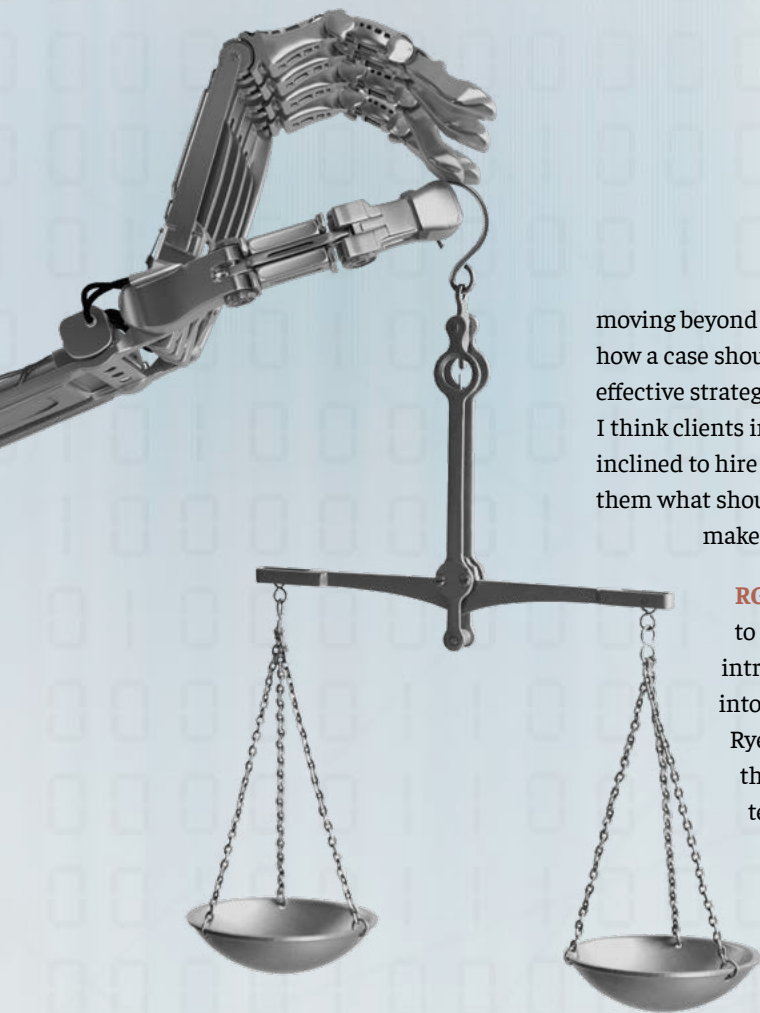
learn how to use the tools...I don't hear any opposition to the innovation program from anyone. So I think that's very positive.

### **Do you envision a time when there is no bricks and mortar Fasken office but rather a bunch of virtual workspaces?**

**PF:** That's a constant debate. I have a personal perspective on that. I think that a good part of what we do comes from face-to-face intellectual activity and particularly if you are in a leadership role, in a law firm or anywhere else, it's important to be somewhere where people can see you and talk to you. So, I still think it's important to have an office. I guess the question is how often people are at work and how much time together is necessary to share the EQ as well as the IQ aspect of it. All of that isn't possible if everyone is simply communicating over electronic devices. I still think there's real value in being able to wander into the next office and asking, "What do you think about this?" Often the best ideas come from people connecting face-to-face.

### **Thoughts on the impact of AI on the training of new lawyers?**

**PF:** We've talked about this quite a bit. You've got the lawyers that say, "Well I learned by doing due diligence on 4,000 contracts. And that's how I became the lawyer I am." But I guess the question is, how many of those do you really have to do to get that level of knowledge and how much can you let the machines do? We can maintain quality training of young lawyers even though they have less of the rote work to do. I don't think anyone is going to be horribly disappointed that they have less repetitive or mundane work to do.



moving beyond the ability to predict how a case should go to developing an effective strategy to make it go that way. I think clients in the future will be more inclined to hire lawyers not just to tell them what should happen, but rather to make something happen.

**RG:** I think we're starting to see more law schools introduce tech components into their programs, including Ryerson and Osgoode. With the explosion in legal technology, we expect more law schools to follow suit. The reality for law students is that these are tools you need to know if you are going to be a practitioner.

### **Should law schools be integrating legal tech courses into the curriculum or maintain a theoretical stance on legal education?**

**PF:** I go back and forth on this a little bit, but I think the primary focus for the law schools should still be on the teaching of the core subjects. As for how much tech you teach, every lawyer is going to need to have a certain level of tech skill. I also think that the more that machines can do research and analysis the more the focus on lawyering skills is going to shift to things like negotiation skills, advocacy, and developing legal judgment — the creative, intellectual and personal skillsets.

For solicitors, that translates into how to negotiate in the boardroom. The focus will move beyond knowing the right clause to use, to learning how you persuade a client that it's the right thing to accept. For litigators, the key will be

**PF:** For the academics, I'd put it this way: part of what they are supposed to be encouraging is access to justice and continuous improvement in the way law is practiced. Introducing a level of curiosity about technology and process and asking the question "how can I make this better?" is a very useful thing.

### **Is there a risk lawyers will become too dependent on machines?**

**RG:** I don't think there any cases where we rely solely on machines. Lawyers are still auditing machine work. We're still providing the same service, we're just using AI as an enhancement, not as a replacement. It's lawyer plus machine, not machine instead of lawyer.

**PF:** It means we have to understand what the application is doing and undertake the appropriate checks to make sure it is doing what it is supposed to be doing. As

AI applications get more complex, quality control is going to be an issue that we are always going to have to be cognizant of.

### **Are you at all worried about a race to the bottom in the value of legal services because of AI?**

**PF:** I don't think so. If work can be done faster and better, then prices for that work should go down. That's just right. Clients don't generally want to pay for process and documents. But, clients are willing to pay for creativity, judgment, advocacy and good advice. That type of activity is only helped by AI, it isn't replaced by AI.

### **What's the most exciting thing about AI from your perspective?**

**PF:** This is an exciting time to be in the profession. I've never seen a more complex world than I see today, and I've never seen a more exciting world than I see today. Technology is speeding up the pace of all business, which only expands the work that lawyers have to do. So, I don't look at the legal market as a zero-sum game where technology replaces lawyers in a market of fixed size. We simply need to embrace technology to be able to keep up with the rest of society. Bright, creative lawyers will embrace the opportunity to leverage their skills and increase the proportion of their work that is really challenging and satisfying. 🇺🇸

# Law Careers Office

BY LAURA PRINGLE, LAW CAREERS OFFICER



**A**s we complete another school year, the Law Careers Office (LCO) wishes to thank all of the alumni who have supported our students on their career paths. Through two semesters, we have had 26 alumni speak on LCO panels and countless more field student phone calls, emails, and meetings. We also thank those who participated as mentors in the CBA Mentorship program this year. We are so grateful to our highly-engaged alumni for providing this guidance and encouragement to students!

The LCO provides career services to all students throughout law school and beyond. These services include one-on-one career counseling, resumé and cover letter review, mock interviews, lunchtime information sessions, networking events, and guidance

through formal recruitment processes. We rely heavily on our alumni to share their experiences and to provide real-world, practical advice to our law students. Connections with alumni allow students to begin building their own networks and relationships within the legal community, which helps them excel throughout their career.

If you would like to be more involved with UVic Law's students, there are a number of ways to participate:

- ▶ **Speaking on a panel:** The LCO welcomes alumni in all kinds of legal fields to speak to students at lunchtime sessions or evening events. For example, one of our major events of the year is Career Options Night, where students hear from alumni who have followed less traditional career paths.
- ▶ **Being a Student Contact:** Student contacts are available to speak with students by phone, email, or in person about a wide variety of career topics including particular areas of practice, working in particular geographical locations, clerkship applications, recruitment processes, interview tips, and more.
- ▶ **Being a CBA Mentor:** Each Summer, the BC Branch of the Canadian Bar Association invites

lawyers and law graduates to act as mentors to law students at the University of Victoria, the University of British Columbia, and Thompson Rivers University. Mentors are then invited to receptions in the Fall where they can meet their student mentee(s) and plan further mentoring events.

- ▶ **Hiring a Summer, Co-op, or Articling Student:** Hiring a student is an excellent way to receive quality assistance with your legal work while providing important mentorship and training to future lawyers. Furthermore, for those firms looking to grow, students are an excellent way to nurture long-term commitment and performance.
- ▶ **First and second-year summer students** are available from May to August, while Co-op students are available for work terms beginning in January, May, and September. Articling students are available to start year-round.

If you wish to learn more about the Co-op Program or to hire a Co-op student, contact Francine Proctor, Law Co-op Coordinator, at [lawcoopcoord@uvic.ca](mailto:lawcoopcoord@uvic.ca). To learn more about the LCO or any of the other opportunities above, contact Laura Pringle, Law Careers Officer, at [lco@uvic.ca](mailto:lco@uvic.ca). We look forward to working with you, our wonderful alumni, in the coming year! 🇨🇦

**If you are seeking a new career path yourself, consider signing up for the alumni listserv! The LCO regularly emails job postings for alumni with all levels of experience. Whether you're in your first year of call or your 21st, feel free to email Laura at [lco@uvic.ca](mailto:lco@uvic.ca) to be added to the listserv and see what jobs are out there for you!**



# Professor Andrew Newcombe Appointed to Softwood Lumber Dispute Panel

BY JULIE SLOAN, LAW COMMUNICATIONS OFFICER



The softwood lumber dispute is the largest and longest-running trade dispute between Canada and the United States. Softwood lumber, which comes mostly from BC, is a multi-billion dollar industry and has been the cause of trade disputes with the US since the 1930's.

The most recent iteration of the trade dispute arose in 2016, after the expiry of the 2006 Softwood Lumber Agreement, which established a managed trade regime for nine years. In November 2016, after a one-year standstill period expired, US producers began new countervailing and anti-dumping investigations against Canadian softwood lumber products. In response, in late 2017, US trade authorities determined that Canadian softwood lumber was being subsidized and sold below fair value. As a result,

Canadian government and softwood lumber producers rejected all of these findings as flawed and began to take steps to once again challenge softwood lumber duties.

Under Chapter 19 of the NAFTA, the decision of domestic authorities to impose countervailing and anti-dumping duties is subject to review by a binational panel of independent trade experts. One of the reasons that NAFTA 2 was so important to Canada was to retain the Chapter 19 process, in large part because of an absence of a softwood lumber agreement with the US.

The binational review process essentially replaces domestic court review of the decision by the Chapter 19 panel. In response to the decisions of US trade authorities, the Canadian government

NAFTA Chapter 19 panel reviewing the US International Trade Commission's final injury determination. Professor Newcombe is serving on the five-person panel with two other Canadians and two Americans. Their job is to review the final injury determination based on the US domestic administrative law review standards and determine whether the decision is unsupported by substantial evidence or otherwise not in accordance with law.

The panel members have discussions and meetings by phone prior to hearings, which are less formal than court hearings and are open to the public. After the hearings, if the panel's decision does not meet the US law review standards, the panel can remand the decision back to the International Trade Commission for redetermination.



Bottom row far right: Andrew Newcombe  
Top row third from right: 2nd year UVic Law student Stephanie Symonds



US authorities imposed countervailing duties to counteract subsidization and anti-dumping duties to counteract sales below fair value. US trade authorities also determined that Canadian softwood lumber imports were materially injuring the domestic US softwood industry. The

and softwood lumber producers filed requests for Chapter 19 panels be established to review the decisions.

Professor Andrew Newcombe, who teaches trade law here at the law school, was appointed in late 2018 to the

On 7 May 2019, the panel held an oral hearing at the American University Washington College of Law in Washington DC. The panel's decision is expected later this year. 🇺🇸

# 2019 Distinguished Alumni Award Recipient Valerie Jepson ('01)

BY BERNADETTE LYNCH, ALUMNI AND ANNUAL GIVING OFFICER

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Dean Susan Breau (Law) presents Valerie Jepson ('01) with the Distinguished Alumni Award. A ceremony honouring the eleven 2019 recipients was held on February 5, 2019 at the Songhees Wellness Centre as a part of Alumni Week

Each year during Alumni Week (the first week of February) the UVic Alumni Association, in partnership with the faculties and divisions of UVic, present Distinguished Alumni Awards to outstanding members of the alumni community. The UVic alumna or alumnus is nominated for consideration by sending a brief summary and/or biography to [alumni@uvic.ca](mailto:alumni@uvic.ca) by October 1st of each year that outlines the individual's accomplishments. This is then forwarded to the faculty where that person graduated. The recipients are selected by their respective faculties or divisions based on a number of criteria, including career accomplishments or service to their community. The recipients are announced in December of each year.

On February 5, 2019, **Valerie Jepson ('01)**, was honoured with the 2019 Distinguished Alumni Award for the Faculty of Law. Ms. Jepson is the Integrity Commissioner for the City of Toronto. In this role, she is responsible for overseeing the Code of Conduct for elected and appointed officials at the City of Toronto, for raising awareness about the Code of Conduct, providing advice about meeting the standards in the Code and carrying out investigations when allegations of misconduct are made.

Ms. Jepson previously held the position as Counsel to the Integrity Commissioner for the Province of Ontario. As Counsel, she advised the Ontario Integrity Commissioner on all aspects of her mandate including the conduct of MPPs,

lobbyist registration and disclosure of wrongdoing. Prior to her position with the Ontario Integrity Commissioner's office, Ms. Jepson was a litigator with law firms in Calgary and Toronto in a variety of areas of litigation.

In 2018, Ms. Jepson was awarded the Society of Ontario Adjudicators and Regulators Medal. She is a member of the Law Society of Ontario and the Law Society of Alberta. From 2012 to 2015, she taught Canadian Administrative Law in the Global Professional LLM program and the Internationally Trained Lawyers Program at the University of Toronto. Prior to becoming the Integrity Commissioner for Toronto, Ms. Jepson was an active member of the Ontario Bar Association (OBA) Public Lawyers Section and held various positions on the executive.

After receiving her Distinguished Alumni Award from Faculty of Law Dean, Susan Breau, Ms. Jepson shared some inspiring words with the audience and fellow honourees. The following excerpts are from Ms. Jepson's speech:



***I count the opportunity to study at UVic Law among one of the greatest good fortunes of my life. I chose UVic because the school seemed to offer a new and innovative approach — the best of a Canadian legal education but without the trappings of increasingly outdated traditions. At the time, the school offered a coop program, a small class size and it cultivated a culture of fresh and critical thinking about the legal profession and the law.***

*For me, UVic was as advertised and so much more. I learned from a very fine faculty, and benefited from the initial Legal Process course, designed to help us succeed, not weed us out à la that truly outdated take on law school from the Paper Chase.*

*I learned about the law but I also, by being able to work in the legal clinic called Law Centre, learned how to be a lawyer. **To this day, I recall the lessons I learned at the Law Centre and know that it gave me the courage and confidence to thrive in my legal career.***

*The faculty and administration encouraged critical thinking about the law and the legal profession and about having a meaningful and balanced life.*

*I made the most amazing lifelong friends. Indeed one of my classmates, Matt Link, a distinguished alumni in his own right, became my spouse.*

*I have taken a slightly non-traditional path in my career. I made a move into a fairly niche area in 2007 — public sector ethics law after practicing in commercial litigation for the first part of my career. **I would not have been able to make this transition without the dynamic legal education, including the philosophy behind it, I gained at UVic Law.***

*UVic inspired me. Let me take a chance on inspiring you. The last part of my career has been spent overseeing codes of conduct of elected and appointed officials. I was drawn to this work because I believe that politics is a noble profession. Don't worry — doing the work that I do has imbued a healthy critical view of other possible motivations — but in the main those who put their hand up to run do so for the right reasons. For our society to work, we need well-intentioned and qualified people to run for office. It's a tall order these days because the scrutiny is more than ever. But we must reclaim this by engaging, possibly running, for elected office. In this room, I will say if you have thought about it, or you know someone who fits the bill, encourage them. We will all be better off.*

*To conclude, I am truly honoured to be recognized in this way and I will do my best to continue to represent UVic in the future.” 🇩🇪*

# UVic's Longest Running Centre Celebrates 30 years of Bridging the Pacific

BY JONATHAN WOODS, CAPI COMMUNICATIONS OFFICER



For nearly two years leading up to a culminating federal election in the fall of 1988, Canadians were embroiled in a national debate about whether to ratify free trade with the US in “the biggest trade agreement ever concluded between two countries”. During the same period, however, Canada had “discovered” Asia and “economic recalculation of the national interest” resulted in official adoption of the Asia-Pacific as “the focus of its newest aspirations on the world stage”. Owing to its geographical position, British Columbia became the main beneficiary of federal funds allocated towards cultivating connections across the Pacific. At the University of Victoria (UVic), situated in the provincial capital on the very edge of the continent — a smidgen closer to Tokyo than to London — plans materialized to foster a “Centre of Specialization in Pacific Asia trade relations and international commercial law” around a core of three permanent research chairs (Economic Relations with China, Economic Relations with Japan, and Asia-Pacific Legal Relations).

UVic’s Centre for Asia-Pacific Initiatives (CAPI) was officially opened at the Begbie (now Murray and Anne Fraser) Building on April 15th, 1988. Chinese-Canadian philanthropist David Lam was honoured at the ceremony in recognition of the contribution from the David and Dorothy



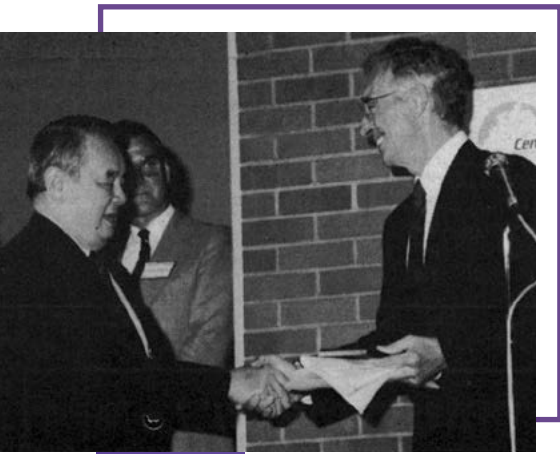
Lam Endowment. A few months after CAPI’s opening, Dr. Lam became BC’s 25th Lieutenant Governor, the first person of Asian ancestry to serve as a vice-regal in Canada. Less than two weeks later, Prime Minister Brian Mulroney — who had put forward Lam for appointment, and who was on the cusp of his second mandate in the “free trade” election referred to in the opening to this article — delivered a formal apology to Japanese Canadians who had been interned in camps in British Columbia’s interior during World War II.

Ralph Heunemann, inaugural CAPI Director and Chair in Economic Relations with China, inside the new CAPI offices in the Begbie (now Murray and Anne Fraser) Building, 1988 (UVic Archives / 9901886100). CAPI was established as a “Centre of Specialization in Pacific Asia trade relations and international commercial law” around a core of three permanent research chairs (Economic Relations with China, Economic Relations with Japan, and Asia-Pacific Legal Relations).



**The decision on a name should be taken with some care, since the name establishes an image that will remain with the Centre for many years. A pronounceable acronym is also of some value. Familiar terms like “studies” or “research” should be avoided as too narrow or academic-sounding. Neither the term “Asia” nor the term “Pacific,” by itself, describes the region intended, while the term “Pacific Rim” seems more trendy than helpful. Therefore, we suggest that the Centre might be named “The Centre for Asian and Pacific Initiatives” or “The Centre for Asia-Pacific Initiatives.” Either way, the inevitable acronym would probably be CAPI.”**

—from an early internal planning document

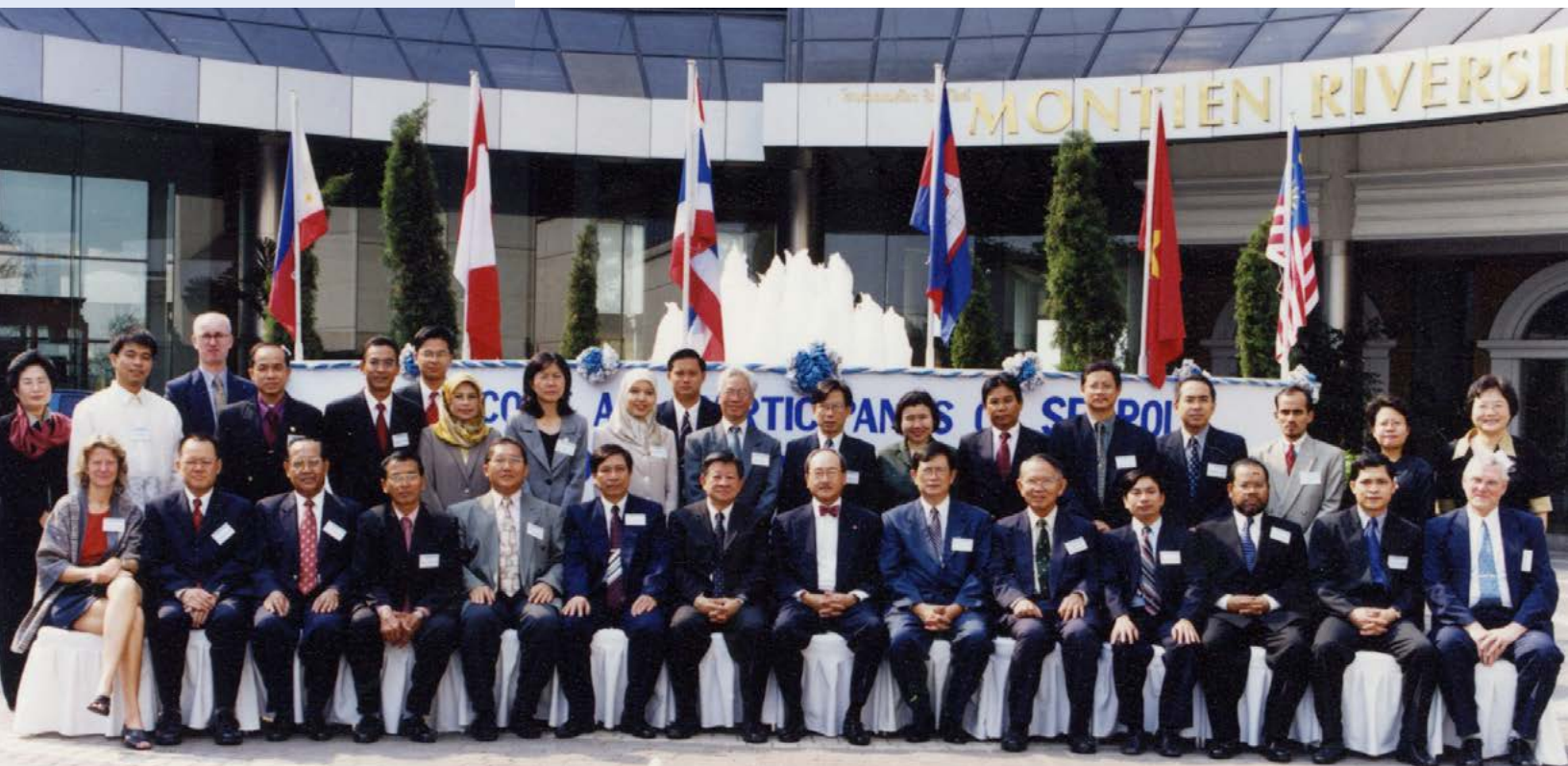


UVic President Dr. Howard Petch (right) presents a plaque to Chinese-Canadian philanthropist David Lam during opening ceremonies for UVic's Centre for Asia-Pacific Initiatives on April 15, 1988

On the eve of the 1988 federal election, CAPI hosted a panel discussion on Asia-Pacific trade and security as part of the Williamsburg Conference, which convened a distinguished group of international Asia-Pacific experts from government, industry, academia, and policy groups at Dunsmuir Lodge, UVic's former holding on the Saanich Peninsula. As CAPI's inaugural Director and China Chair Ralph Huenemann remarked about the conference participants at the time: "The kinds of people who are involved are on the firing line; they don't usually have much time for reflection". The Lams, newly settled in their official residence on Rockland Avenue, hosted the participants for dinner.

SEAPOL Project: 1987-2003 — When Douglas Johnston (front row, right), inaugural CAPI Chair in Asia-Pacific

Legal Relations, came to UVic, he also brought to CAPI its first major externally-funded project in the Southeast Asian Programme in Ocean Law, Policy and Management (SEAPOL). While started in Dalhousie in the early 1980s, SEAPOL was re-funded by the International Development and Research Centre of Canada (IDRC) as a CAPI project in 1987 and continued as CIDA-CAPI project (through UBC) in 1991. SEAPOL was centred in Bangkok but was a regional project holding workshops and other activities throughout Southeast Asia. Amongst other things, the SEAPOL project created the professional literature that now exists on ocean law and policy matters in Southeast Asia, influenced countless academics and government officials, and played a significant role in modernizing the ocean laws and policies of the States in Southeast Asia. (Ted





McDorman, UVic Law professor and CAPI Research Associate since its opening, is back row, third from left.)

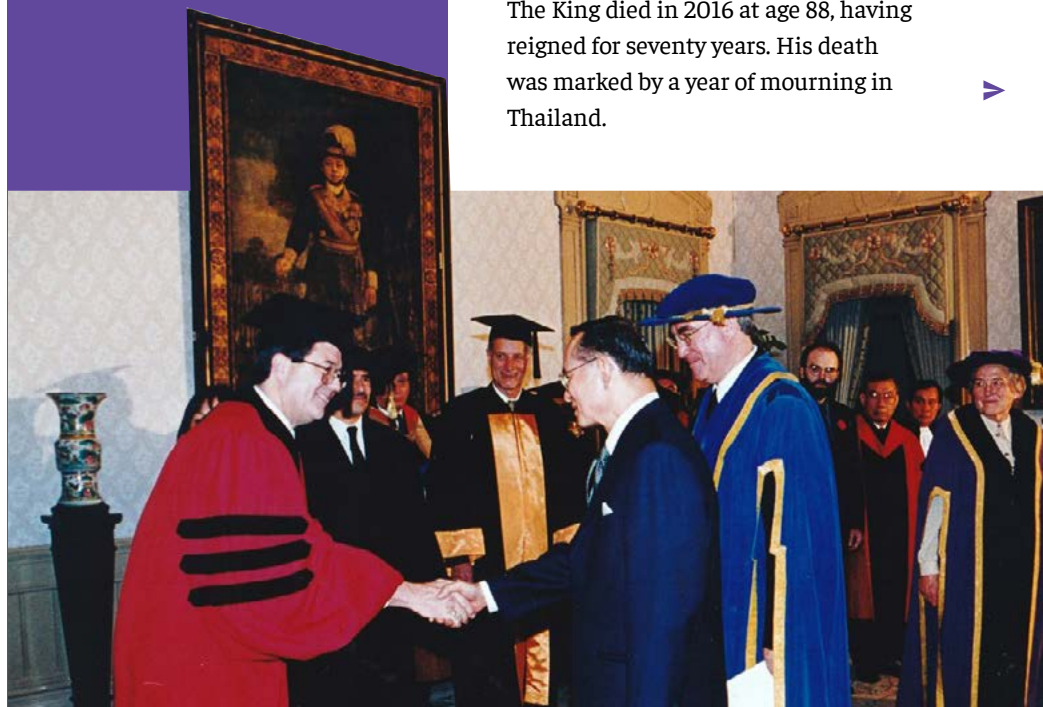
On a crisp November night thirty years later, 140 of CAPI's closest friends gathered at the Inn at Laurel Point on Victoria's Inner Harbour for some reflection and dinner of their own in celebration of the Centre's three decades of "bridging the Pacific." The evening's keynote was delivered by internationally renowned, Indo-American author Amitav Ghosh (e.g., the *Ibis trilogy*), known for historical narratives that tend to be "transnational in sweep, moving restlessly across countries, continents and oceans".

It is a fitting description for CAPI also, which has established itself as one of the university's "crown jewels" and a vital link to the Asia Pacific region through a vast array of activities both at home and abroad. From facilitating justice system capacity-building in Cambodia and Vietnam, creating the early professional literature on ocean law in Southeast Asia and supporting research into waste-pickers in Bangladesh, labour migration in Indonesia, and coral reef recovery off Christmas Island, to organizing international conferences on Chinese politics and hosting Thai royalty, "CAPI spells 'initiatives' in real terms". As the campus "clearing house" for all matters Asia-Pacific, one of CAPI's primary domestic roles has been to act as an extra-departmental resource for the Asia-oriented faculty, students, and staff on campus who are otherwise isolated in their home units with respect to their geographical concentration.

**[CAPI] formed a central focus around which Asian interests at UVic could coalesce, intermingle and benefit and learn from each other. Seldom was an idea pitched that included an Asian element that did not receive some support from the CAPI Director of the time. However the scope of CAPI was far from parochial ...It hosted conferences, published books, participated in grant applications and was recognised as a key player on both sides of the Pacific in a wide range of Asian initiatives."**

—Phil Dearden, UVic Geography's "hot shot prof" (personal correspondence, August 2018). Dearden has been a dedicated "Asianist" and CAPI collaborator since the Centre's early days.

On November 5th, 1999, UVic — represented by Chancellor Norma Mickelson, President David Strong, and Board of Governors Chair Brian Lamb — conferred the Degree of Honorary Doctor of Science upon His Majesty King Bhumipol Adulyadej of Thailand at Chitralada Royal Villa in Bangkok "for his service to the Thai people and his standing in the wider global community as a Head of State respected for his integrity, his appreciation of education and his record of service in the public interest." Here, CAPI Director Bill Neilson shakes the hand of the King. Also in attendance were long-time CAPI-Thai liaison Jittiya Dearden and CAPI Research Associate Phil Dearden (UVic Geography), Khun Anand Panyarachun (another UVic honorary degree recipient, for whom CAPI's Anand scholarship is named), and CAPI Research Associate and prominent Thai businessman Jingjai Hanchanlash. The programme included a roundtable on "Environmental Protection and Rural Development in Thailand." The King died in 2016 at age 88, having reigned for seventy years. His death was marked by a year of mourning in Thailand. ➤





CAPI Visiting Faculty Scholar Leslie Butt (UVic Anthropology) at a health information session for expectant mothers in East Lombok, Indonesia as part of her research project "Stateless Children, Parents and Undocumented Migration: An Indonesian Pilot Study."



UVic Geography professor Philip Dearden (far right) leading a group of UVic Geography students on a field school to India co-ordinated by CAPI and Geography, where they worked with a local non-governmental organization — Participatory Research in Asia (PRIA) — to learn about community development and conservation.



Kristina Tietjen (UVic Biology MSc candidate) was awarded a 2018 CAPI Student Fellowship to help fund her research on coral reef recovery around Kiritimati (Christmas Island).



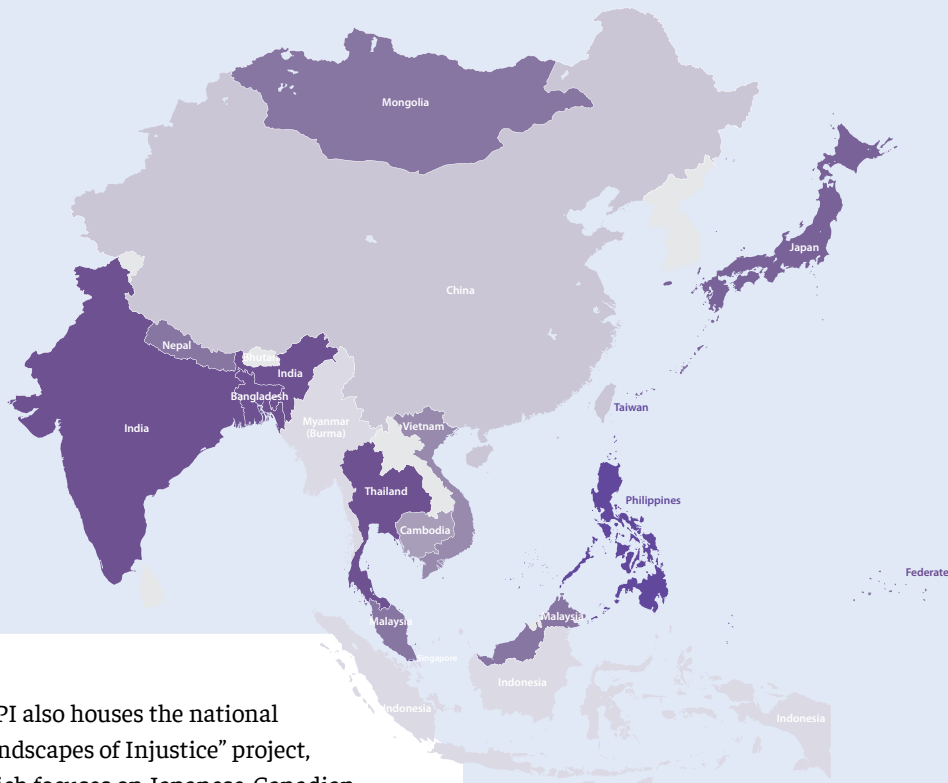
Current CAPI Director and Chair in Asia-Pacific Legal Relations Victor V. Ramraj speaks to the inaugural cohort of students at Bhutan's first law school, Jigme Singye Wangchuck School of Law during a visit in August 2017.

This year also marks the fifteenth anniversary of CAPI's flagship internship program, which has sent 171 Canadian post-secondary students on life-changing placements with 51 different non-governmental organizations across the Asia-Pacific for a cumulative total of 85 years. CAPI's lower-profile professional training programs have brought hundreds of Chinese post-secondary students to the campus and surrounds for weeklong leadership development sessions; CAPI has also developed and delivered on-demand training for judges and trauma care specialists from Thailand.



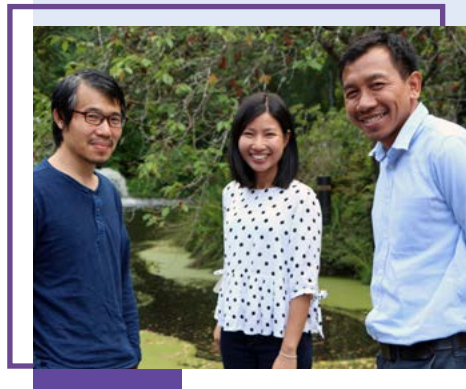
2018 CAPI intern Charlotte Whyte (UVic Anthropology undergrad, in pink) on a jungle training run with the "ULU Runners" group in Kuala Lumpur, Malaysia, during her six-month CAPI internship with The Malaysian Social Research Institute.

## CAPI Internship Program Placements 2003-2018



COUNTRY	STUDENTS
Philippines	41
Thailand	18
Bangladesh	17
India	17
Malaysia	13
Japan	12
Cook Islands	10
Nepal	9
Micronesia	7
Mongolia	6
Vietnam	6
Cambodia	4
South Africa	3
China	2
Indonesia	1
Fiji	1
Myanmar	1
Palau	1
Vanuatu	1
Zambia	1

CAPI also houses the national “Landscapes of Injustice” project, which focuses on Japanese-Canadian dispossession during WWII (the long under-recognized counterpart of internment) and the Centre continues to host a continuous stream of cutting edge thinkers and practitioners to engage with the most pressing issues in the region. In a highly connected and mobile world characterized by progressively blurry boundaries, CAPI increasingly hosts programming dedicated to themes of a transnational nature: Asian involvement in Africa, “migration, mobility, and displacement,” and a “Southeast Asia in global context” roundtable discussion series. CAPI’s current “Regulating Globalization in South and Southeast Asia” project, in particular, has served as a powerful conduit for bringing new faces and partnerships to campus and facilitating unique overseas research experiences for early-career UVic faculty. This July, in the first of two planned conferences connected to the project, program participants will convene at the nascent Jigme Singye Wangchuck School of Law, the first law school in Bhutan, to present on issues of public law, legal orders, and governance.



Nima Dorji (a senior lecturer from Jigme Singye Wangchuck School of Law in Bhutan), Ratana Ly (a researcher with the Center for the Study of Humanitarian Law in Cambodia), and Kan Pongboonjun (a law instructor at Chiang Mai University, Thailand) are all undertaking their PhD studies in law at UVic through the Canadian Queen Elizabeth II Diamond Jubilee Advance Scholars (QES-AS) Scholarships program organized by CAPI and UVic Law under the project title “Regulating Globalization in South and Southeast Asia” (photo: September 2018).

Thirty years ago, with an eye to the future, Canada cast its gaze leftwards, across the Pacific, with the intention of engaging with an economically re-emerging Asia. CAPI came to be as an outcropping of this ambition. Today, as the university’s longest running Centre, CAPI stands as a testament to the importance of this vast and diverse region and to the people who have endeavoured to understand it.

For more of CAPI’s history, view the CAPI 30th anniversary book ([pdf](#)) 🇨🇦



**Everyone still thinks we are bigger than we are, which is the best tribute of all.”**

—Bill Neilson, upon his retirement in 2004 after twelve years as CAPI Director



# Reimagining Justice – Ideafest 2019

BY JULIE SLOAN, LAW COMMUNICATIONS OFFICER

Ideafest is an annual series of events open to the public that showcase the exceptional research being done at the University of Victoria. UVic Law held several events, including a week-long exhibition called “Reimagining Justice,” which involved a series of talks about Law and Theatre, Law and Dance, Law and the Arts, and the Arts as Pedagogy. As part of this event, for the duration of the week, the UVic Dispute Resolution Room was transformed into an interactive art installation showcasing the relationship between art, law and social justice. The room was filled with creative projects that had been handed in as part of course work in classes such as Criminal Law, Business Associations, Family Law, Constitutional Law, and Sexual Orientation and the Law. The project was curated by Lorinda Fraser (MSc in Museum Studies). [Click here](#) for a link to the Exhibition Catalogue, which lists the students whose work was featured.

On the final day of the event, we held a “Gallery Walk” ([link](#)) where three of the professors who had been involved (Professors Gillian Calder, Rebecca Johnson and Sara Ramshaw) spoke in more detail about the specific projects that were in the room to open space for conversations about things that might be learned through producing, evaluating, and interacting with arts-based methods in the context of a law school. These images capture the sense of the exhibition. 🇺🇳



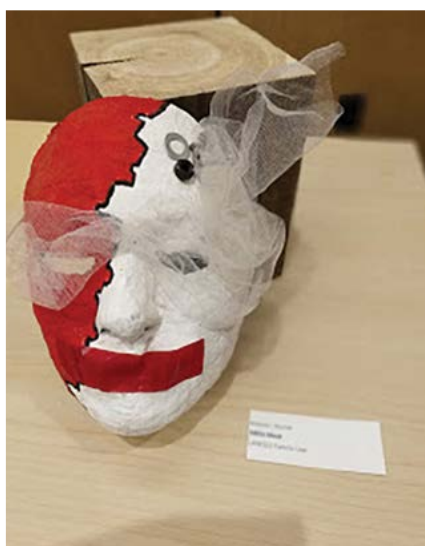


The hidden costs of fast fashion

An archive of gendered items

Labour and creativity in work

Goal? To adopt a child before window of possibility closes



A papier mâché lantern to illuminate law?

The image behind the paper

A Re-working of "Are You My Mother?"

A Metis Mask and memories of teachings

# Alumni Vistas: News and Updates

## The 1980s



**Andrew Petter, C.M., Q.C. (81)** was appointed to the Order of Canada in 2018 in recognition of his commitment and

leadership in advancing university-community engagement and higher education throughout the country. He also received a Peter Lougheed Award in Public Policy from Canada's Public Policy Forum. The award recognizes extraordinary leadership and contribution to public policy and public discourse. Petter has been President and Vice-Chancellor of Simon Fraser University since 2010. From 2001 to 2008, he served as Dean of UVic's Faculty of Law, where he oversaw the creation of the faculty's graduate law program, pioneered significant Aboriginal initiatives, and secured funding for major facilities upgrades.

Prior to being appointed Dean, Petter taught at UVic's Faculty of Law for five years before running as NDP candidate in Saanich South in the 1991 provincial election. He spent the next decade as an MLA and held a series of key cabinet posts. In government, Petter played instrumental roles in Nisga'a Treaty negotiations and in creating the B.C. Treaty Commission. He also oversaw the establishment of B.C.'s Forest Practices Code, launched the B.C. Knowledge Development Fund to finance research infrastructure, and was the first Attorney General in the Commonwealth to support same-sex marriage rights. He is well remembered in Greater Victoria for his work as Minister Responsible for the Provincial Capital Region restoring St. Anne's Academy and develop the Galloping Goose and Lochside Trails.

## The 1980s



**Justice Dennis K. Hori (83)** has been appointed a judge of the Supreme Court of British Columbia in Kelowna.

Preceding his appointment, Justice Hori practised his entire legal career with Fulton & Company LLP. He became a partner of the firm in 1988 and served as the firm's administrative partner. After working primarily as a solicitor for a few years, Justice Hori found that his true interest was in litigation. His litigation practice was a mix of commercial, employment, municipal and personal injury litigation. Justice Hori is an active member of the legal community. He has served as an executive of the Trial Lawyers Association of B.C., and was the President in 2013. He was also a guest speaker and volunteer advocacy instructor at the Thompson Rivers University Law School.



**Judicial Justice Lori Plater (88)** was appointed Judicial Justice of the Provincial Court of British Columbia. Ms.

Plater began her legal career as a Provincial Crown Prosecutor in the Fraser Region and prosecuted in Cloverdale, Clearbrook, Surrey, Delta, and New Westminster (Provincial and Supreme Courts), BC. In 1996 Ms. Plater moved to Calgary where she continued working for the Provincial Crown. She joined the Public Prosecution Service of Canada (Federal Department of Justice) as a Federal Prosecutor and was the founding prosecutor for the Calgary Drug Treatment Court — leading that Court until her Appointment to sit as a Judicial Justice in 2008, in Calgary. She was

## The 1980s

also appointed to a concurrent term with the Parole Board of Canada. She is currently also an appointed lawyer adjudicator with the Law Society of Alberta, and Chair of the Mental Health Review Panel in Alberta.



**Rita Andreone, Q.C. (88)** is the recipient of this year's *Debra Van Ginkle, QC Mentoring Award*, a recognition

bestowed by the CBABC Women Lawyer's Forum (WLF). Ms. Andreone has been a committed and inspirational mentor with a keen understanding of women's issues and is a role model for women in many contexts. This award recognizes mentors like Ms. Andreone and the qualities and commitment she has demonstrated throughout her life and careers, as a lawyer, a Benchler, a Life Benchler and a Board member. Ms. Andreone has recently retired as a Partner at Lawson Lundell and as Chair of its Executive Committee, to focus on board roles. For over 30 years, she practiced as a Corporate, Investment and Governance Partner, with numerous deep industry focuses. She was recognized as a Queens Counsel for excellence in the practice of law by the Province in 2011, has been recognized for her work in Private Equity and Investment, Governance and Corporate Social Responsibility and was a finalist in the 2016 YWCA Women of Distinction Awards (Business & the Professions category).

## Retirements

The Honourable Judge **Rosemary Gallagher (83)** retired from the Provincial Court of British on March 31, 2019. Judge Gallagher was appointed to the Provincial Court in 1995.



## The 1990s



**Hugh William (Bill) Veenstra ('90)** is one of 28 British Columbia appointees to Queen's Counsel in 2018. He has

a commercial litigation practice that specializes in complex real estate, construction and multi-party disputes. He served as the president of the CBABC in 2017-2018 after having served as secretary treasurer and vice-president and on many of its committees. He received the CBABC President's Medal in 2015 in recognition of outstanding contributions to the B.C. branch. Mr. Veenstra has also served the CBA nationally on many committees, as chair of the CBA national civil litigation section and on the CBA national council.



**Michelle Denise Stanford ('92)** was recognized with the honorary title of Queen's Counsel in 2018. Stanford is the

former president of the Kamloops Bar Association having served on the executive and as a member for many years. She is a founding member and chair of the Kamloops Inns of Court and is one of the founding directors of the Association of Legal Aid Lawyers. She is active in all three local sections of the CBABC as well as serving as the Kamloops representative to both the TLABC's legal aid action committee and the Criminal Defence Advocacy Society.

## The 1990s



**Tobi Nussbaum ('96)** has been appointed Chief Executive Officer of the National Capital Commission

(NCC) for a term of four years, effective February 4, 2018. Mr. Nussbaum has dedicated his career to public service. He moved to Ottawa to join the Canadian Foreign Service in 1996, starting in the legal bureau and then taking on different responsibilities that included postings to the United Nations in New York and the World Trade Organization in Geneva, Switzerland. In Ottawa, he has served in various senior positions within the Department of Global Affairs and the Privy Council Office. He was first elected as City Councillor for the City of Ottawa in 2014. During his mandate, he was Chair of the Built Heritage Sub-Committee, Commissioner for OC Transpo, and a member of the Planning Committee and of the Community and Protective Services Committee. Mr. Nussbaum holds a Master of Public Administration from Harvard University, a law degree from the University of Victoria and a Bachelor of Arts from Queen's University.



**Steven Ronald McKoen ('97)** was appointed to Queen's Counsel in 2018. Mr. McKoen is a

bencher of the Law Society of B.C. and a partner at Blake, Cassels & Graydon LLP, where he focuses on domestic and cross-border mergers and acquisitions, corporate finance, reorganizations and corporate governance. He has been an adjunct professor in the faculty of law at both UBC and the University of Victoria. Since 2006, he has provided

## The 1990s

pro bono advice to artists and non-profits through the Artists Legal Outreach clinic run by the Pacific Legal Education and Outreach Society



**Maxine Hayman Matilpi (Lakwa) ('98)** is the newest addition to a team of five Elders-in-Residence that offers

support, traditional knowledge and spiritual guidance to students at the Nanaimo Campus of Vancouver Island University (VIU). Since the program started in the 1990s, VIU Elders-in-Residence have played an important role at the institution, providing cultural and spiritual guidance and other supports for students and employees, and supporting the use of Indigenous knowledge and language at the institution. Matilpi, of Kwakiutl/Ma'amtigilia and Scottish/English descent, also works for Vancouver-based West Coast Environmental Law as the project lead for the Revitalizing Indigenous Law for Land, Air and Water (RELAW) project. Through this project, she works with First Nations around the province to articulate traditional laws, finding principles of laws within ancient stories.



**Brock Andrew Martland ('99)** was recognized with the honorary title of Queen's Counsel in 2018. Mr. Martland has

built a varied career that has included serving as counsel for former provincial wards, litigating complex interpretive issues and criminal defense counsel work, including high-profile cases like the Air India and Surrey Six trials. He has been a presenter, panelist or

## The 1990s

chair at numerous conferences and programs, including the Federation of Law Societies national criminal program, B.C. Civil Liberties Association and others. He volunteers his time and experience assisting the UBC Innocence Project and Access Pro Bono, and has been a guest lecturer at UBC Allard School of Law on criminal law, youth justice, ethics, advocacy and wrongful convictions.

## The 2000s



**Peter MacPherson ('01)** is being recognized as part of BDO LLP's Top 40 Over 40 program for his community

involvement. Mr. MacPherson has practised law in B.C. for 17 years, primarily in the Central Okanagan with Farris, Vaughn, Wills & Murphy LLP and a predecessor firm prior to the merger with Farris. He is also the director of the Kelowna General Hospital Foundation. MacPherson has acted as chair of the board of directors for United Way of the Central and South Okanagan / Similkameen, and is serving a two-year term as chair of the Kelowna General Hospital Foundation. In leading both boards, he has had the opportunity to work alongside Central Okanagan business and community leaders and help direct the critical work of each organization. As a partner at a law firm, he helps mentor junior lawyers and helps lead their development as lawyers and as the next leaders in the community.

## The 2000s



**Dr. James Lockyer, C.M. (Hon., LLD '09)** was appointed as a member of the Order of Canada in 2018

in recognition of his long-standing commitment to social justice as a criminal lawyer and as a champion of civil liberties and human rights. He is the Founding Director of the Association in Defence of the Wrongly Convicted (AIDWYC). He has been involved in exposing 21 wrongful convictions in Canada, most of them homicide cases including the cases of Steven Truscott, David Milgaard and Guy Paul Morin. Since 1992, Mr. Lockyer's practice has been primarily in the field of wrongful convictions. 🇨🇦



**Kasari Govender ('04)** has been appointed as BC's first independent Human Rights Commissioner. She has spent the past 10 years at West Coast LEAF, most recently as the Executive Director, championing gender equality and the rights of marginalized communities. Before joining West Coast LEAF, Kasari practiced constitutional, equality and aboriginal law. She earned her law degree from the University of Victoria, and her Masters Degree in International Human Rights Law from the University of Oxford. She is the founding President of Rise Women's Legal Centre, has sat on the board of Pivot Legal Society, the Coalition for Public Legal Services, and Society for Children and Youth, and was an Adjunct Professor of Law at UBC.



## Lexpert Rising Stars 2018

On November 7, 2019, the 2018 *Lexpert Rising Stars: Leading Lawyers Under 40*, were honoured at the annual gala event at the Fairmont Royal York in Toronto.



**Aaron Dow ('02)** received the 2018 *Lexpert Rising Star award for Leading Lawyers Under 40*. Dow practices Corporate and Commercial Law,

Real Estate, Bank Lending, and Wills and Estates at Farris, Vaughan, Wills & Murphy LLP. He has extensive experience in Mergers and Acquisitions and has acted as lead counsel on several significant transactions. Dow learns his client's business from the ground up and understands the challenges unique to their particular industry. He organizes events throughout the year as the lawyer representative on the Kelowna office's Social Committee and spearheads the firm's annual cross-office golf retreat. He organizes the Farris 9 and Dine golf tournament each summer, which partners the firm's lawyers with members of the region's business community for a friendly tournament. Dow is on the Board of Directors and is Vice President of Launch Community Development Foundation and he is a founding member and is on the organizational committee for 100 Men Who Give a Damn (Kelowna).



**Julie D'Avignon ('05)** was honoured with a 2018 *Lexpert Rising Star award for Leading Lawyers under 40*. Ms. D'Avignon is a partner in Stikeman Elliott

LLP's Tax Group, providing advice on tax matters relating to M&A Transactions, Corporate Reorganizations, Equity Investments, Flow-Through Shares and Financings. Her diverse client base includes

companies operating in industries ranging from Canadian and international oil and gas, mining, renewable energy, technology, financial products and service businesses, as well as several private equity investment firms. Julie is a regular speaker for several legal and industry organizations and a member of the editorial board of the Resource Sector Taxation Journal. She currently serves on the Board of Directors of the CUPS Calgary Society and as a Director of the B.J. Hughes Foundation for the Development of Entrepreneurial Women. She has provided pro bono support to several non-profit and charitable entities. She has also co-lead Stikeman Elliott's involvement in Mount Royal University's JMH Venture LaunchPad program.



**Cameron B. Elder ('05)** received the 2018 *Lexpert Rising Star award for Leading Lawyers Under 40*. As Chair of Harper Grey LLP's Construction &

Engineering Law Group, Cameron Elder's diverse Civil Litigation practice spans Health Law, Construction, Commercial Litigation and Real Estate disputes. He has been lead counsel in numerous high-value disputes, including a \$7-million claim arising out of a large steam metering project, a multi-million-dollar case against parties involved in the upgrade of a district energy system, and a medical negligence claim with allegations of delayed diagnosis resulting in quadriplegia. Elder Chairs the firm's Construction Group and is a member of the Strategic Planning Committee. He frequently presents to industry groups, including ACEC-BC, BC Building Envelope

Council and BC RIMS. He volunteered with Access Pro Bono BC for more than five years and served for three years on the Executive of the Urban Land Institute. He is the firm's contact for ACEC-BC.



**Drew Lafond ('09)** was honoured with a 2018 *Lexpert Rising Star award for Leading Lawyers Under 40*. As Partner with MLT Aikins LLP, Lafond provides advice

to First Nations and Métis communities on Economic Development, Corporate Structure, Finance, Governance, Taxation, Oil and Gas Development, and Liquor and Gaming Licensing. Early in his career, he prepared submissions and attended before the Alberta Court of Appeal on *R. v. Hirsekorn*, a seminal decision concerning Métis rights in Alberta. He has closed numerous landmark transactions for First Nation and Métis communities, including asset and share purchases and Corporate Finance and Commercial Real Estate. Lafond is a member of the Muskeg Lake Cree Nation in Saskatchewan and a descendant of the Simpcw Nation in British Columbia. He contributes to the success of the reserve he grew up on by volunteering pro bono for the Nation's Economic Development and Governance committees. Lafond is the Vice-president of the Indigenous Bar Association and he volunteers for Level, a program dedicated to mentoring Indigenous youth in urban communities and to teaching them the basics of law. 🇺🇸



## Neil Gold, Honorary Doctor of Laws (LLD)

JUNE 11, 2019 | 2:30 P.M.

Neil Gold (pictured here with Glenn Gallins (R) at the Law Centre's 40th anniversary celebration) has had a profound impact on the way law is taught in Canada through his innovative approaches and inspired teaching. He challenged students, legal educators and practitioners to become thoughtful, engaged citizens and leaders. Gold, a professor emeritus with the University of Windsor, was an early innovator in experiential learning, notably in clinical legal education.

In 1975, Gold was recruited to the UVic Faculty of Law as a member of its founding group of law professors and became *the founding director of the Law Centre Clinical Law Program*. This was the first clinical program in Canada to provide law students with a full-time intensive experiential learning opportunity. The program provided advice and representation to numerous disadvantaged people each year in a fully integrated legal services environment—combining the services of the local bar, the Community Action Group as well as social support services through UVic's School of Social Work.

Gold has made many other contributions, including developing innovative teaching techniques. He argued that legal education must include the teaching of lawyering skills such as interviewing, counseling, drafting, negotiation, mediation and litigation processes. He also pioneered the blending of interdisciplinary expertise and learning in the delivery of legal services.



Congratulations to **Elizabeth Adjin-Tetty** for her appointment to the Expert Committee of the St Petersburg International Legal Forum Private Law Prize. Her appointment was made official in St. Petersburg in May, and she joins a group of international academics representing different regions of the world. She is the only member from Canada. [Click here](#) for more information on the SPILF Private Law Prize.



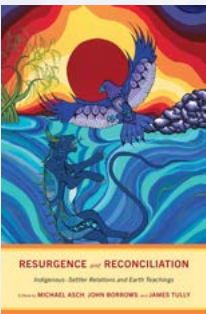
The 2019 Denton's Summer Student Research Business Law Fellowship was awarded to **Robert Howell** and **Elizabeth Adjin-Tetty** for their project "Internet Related Infringement of Copyright and Other Torts: Private International Law and Available Relief".





**Deborah Curran** was awarded a grant from the Law Foundation’s Legal Research Fund for Reconciliation as Jurisdiction:

*How State Law is Receiving Indigenous Law and Government-to-Government Agreements.* To be conducted over the next 18 months with graduate student Rebeca Macias Gimenez, the project will examine how provincial and federal state law are implementing reconciliation agreements and Indigenous laws, as expressed through government-to-government agreements and declarations of Indigenous law in the area of environmental governance.



**John Borrows’** co-edited volume with Michael Asch and Jim Tully, *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings*,

was published in September by U of T Press. In December, John gave a keynote presentation on “Anishinaabe Law and Sound” at the Land, Language, Locatives Conference.



In October, **Brad Bryan** participated in the Purdy Schulich Emerging Business Law Scholars

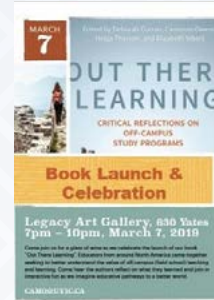
Workshop at the Schulich School of Law at Dalhousie University, presenting research on the limits of corporate law in supporting First Nation economic development. His paper “The Person and the Mirror: On the Use and Abuse of Corporate Law for Indigenous Economic Development” will be published in the Dalhousie Law Journal next fall. Brad has also been engaged in broad-based research on First Nation finance supported by the Sustainable Watersheds Funders Network, and has produced a report on the current structure of First Nation finance in Canada that has been circulated among a number of First Nations, local government authorities, and the Department of Finance.



In October, **Kathy Chan** was a witness before the Senate Special Committee on the Charitable Sector, speaking

to the impact of federal laws and policies on charities and other nonprofit organizations. Along with her co-author Howard Kislowicz, Kathy also published an article reporting initial findings from her SSHRC-funded study of the operation and impact of interveners in religious litigation. The article is forthcoming in

the Supreme Court Law Review, and available [here](#).



**Deborah Curran’s** book, *Out There Learning: Critical Reflections on Off-Campus Study Programs*, co-edited with Cameron Owens, Helga Thorson,

and Elizabeth Vibert was published in November.



In early September, **Maneesha Deckha** presented “Something to Celebrate?: De-listing Dairy

in Canada’s National Food Guide” at Western Sydney University and “Dairy and Decolonization: Illuminating the Continuities between Vegan and Indigenous Worldviews through a Postcolonial Feminist Framework”, at the University of Sydney.

Maneesha also published “The “Pig Trial” Decision: The Save Movement, Legal Mischief, and the Legal Invisibilization of Farmed Animal Suffering” (2018) 50:1 Ottawa Law Review and a book chapter on the term “Postcolonial” in Lori Gruen, ed, *Critical Terms for Animal Studies* (Chicago: University of Chicago Press, 2018).





In September, **Bob Howell** completed two terms (totaling 10 years) as the Faculty of Law representative on the Board of the

British Columbia Law Institute. At the September Meeting Bob was appointed “Member Emeritus” for a two year term.



**Asad Kiyani** gave a talk entitled “The Three Dimensions of Canada’s Migration Crisis”, in which he discussed

the legal and policy effects of labeling irregular border crossing into Canada as a ‘crisis’. The workshop, Comparing and Contrasting EU Border and Migration Policy – Canada Workshop: Canada’s Border and Migration Policies in Comparative Perspective, was held in November at the law school as part of the Jean Monnet Network.

Asad was invited to join the editorial team for the upcoming 12th edition of the *Criminal Law & Procedure* textbook published by Emond Montgomery. This is the standard text used by most Criminal Law Process professors at UVic. The new edition will be published in 2020.



In October, **Freya Kodar** participated in the annual Canadian Commercial Law Symposium at the University of

Alberta, as a commentator on Elizabeth Edinger’s paper “The Constitutional Validity of the Securities Transfer Act Judgment Enforcement Rules”.



In fall 2018, **Kim Nayyer** and litigator Robert Janes QC represented the Canadian Association of Law

Libraries/L’Association canadienne des bibliothèques de droit (CALL/ACBD) in a successful application for leave to intervene in *Keatley Surveying Ltd. vs. Teranet Inc.*, an upcoming Supreme Court of Canada appeal about Crown copyright. Kim and Robert co-wrote and filed CALL/ACBD’s factum in December, building on an earlier research presentation in May about the historical development of Crown copyright and its role in current Canadian law. They appeared before the Supreme Court of Canada in March to present oral argument. This will be the first time the court will squarely address the scope of Crown copyright.

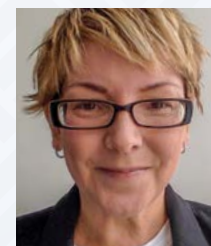
Also in December, Kim presented written submissions to the Standing Committee on Industry, Science and Technology to aid the Committee’s statutory review of the *Copyright Act*. Kim wrote two briefs on behalf of CALL/ACBD. Kim conducted

research for and participated in drafting briefs submitted by the Canadian Federation of Library Associations/ Fédération canadienne des associations de bibliothèques and the University of Victoria. Earlier, Kim presented oral testimony before the committee, on behalf of CALL/ACBD.



In September, **Pooja Parmar** spoke at the University Institute of Legal Studies, Panjab University about the grad program

at UVic Law, applying to grad programs in Canada as well as opportunities for faculty and student exchanges. Pooja also participated in the panel “Three Critical Feminist Takes on #METOO”, with Brenda Cossman (UofT Law), Heidi Matthews (Osgoode), at Osgoode Hall Law School in November.



**Sara Ramshaw**, with 2L student/dance artist, Kristen Lewis, and Toronto-based performance artist/lawyer,

Julie Lassonde, presented “Three Experiments in Developing Unwritten Laws/Norms” at the LawArtCulture Lecture Series, Osgoode Hall Law School and at the 2018 Performing the World Conference in New York City, both in September. 🇨🇦

# Appeal Podcast

BY JULIE SLOAN, LAW COMMUNICATIONS OFFICER

Did you know that UVic Law students now have a podcast?

*Appeal: Review of Current Law and Law Reform* is the name of the student-run journal out of UVic Law and each year a group of students, serving as Appeal's Board of Directors, work tirelessly to collect, select, edit and ultimately publish a set of academic papers from law students and recent graduates across the country.

Accompanying this journal is a podcast project called **Stare Indecisis**. Episodes primarily focus on interviewing Appeal authors to delve more deeply into their paper topics. It provides the authors, experts, and listeners (and Nico Bernardi, the podcast host) alike the opportunity to engage with these legal issues in a different medium. There's also a new segment called "On Retainer" where faculty (and the Dean) are interviewed 20-questions style.

You can find the podcast by searching "Stare Indecisis" on iTunes and Spotify or through our web platform [here](#).

So far this year six new podcasts have been added:

- [On Retainer: Dean Susan Breau](#)
- [Digital Breadcrumbs: Privacy, gadgets and the law](#)
- [Fearless, necessary and unapologetic: Exposing failures of the sexual assault trial process](#)
- [On Retainer: Ased Kiyani](#)
- [Pot off the press: The Cannabis Act](#)
- [Passing the Podcast Torch 🇨🇦](#)





**Melissa Atkinson ('99)** passed away on February 14, 2019. Ms. Atkinson, a Tr'ondëk Hwëch'in (TH) citizen with Han, Kaska and Tlingit roots, was known as a trailblazer and a role model. She was the first Indigenous woman in the Yukon to earn a law degree in 1999, and in 2002, she went on to become the Yukon's first, First Nations Crown prosecutor. She later left that role to become a senior lawyer with the Yukon Legal Services Society (also known as Legal Aid), served as the chair of the Yukon Human Rights Commission from 2004 – 2010 and as president of the Yukon branch of the Canadian Bar Association. Ms. Atkinson ran as an NDP candidate in the 2015 federal election.

**Bruce Warnsby ('14):**

*Melissa was a dear friend and mentor and fellow TH citizen. It was so special to have someone from my community to look to in defence work. We were the only two First Nation people practicing criminal law in the Yukon so it was nice to have someone who shared the experience and the hardship. Melissa was someone who was always there with a smile and a joke on those hard days that every young lawyer has. And most importantly, was always ready to stand up for her clients and junior counsel if she thought anyone was pushing them around. She also inspired me to go in to Human Rights work (as an Adjudicator) and to work hard for others in the profession. She was a pillar of our community as a Yukon Lawyer and Tr'ondek Huch'in.*

**Merle Alexander ('99 classmate):**

*The loss of our honourable and respected friend, Sister and colleague, Melissa Atkinson, is tremendous for we, as Indigenous lawyers and advocates that serve the Kaska Nation and family of the Kaska Dena. Melissa's road to success and respect in this profession was rarely an easy one and she rose to every challenge with honour and dignity. She was willing to stand up, put her name forward and rise to the many challenges that Indigenous Women, Indigenous Peoples and Indigenous face. Melissa's passing was too soon and her absence in our circles will resonate. Her career and dignity will be held out as an example of our Peoples' success against adversity.*





**Nils Jensen**, former Oak Bay mayor and long-time adjunct law faculty member and sessional instructor at the University of Victoria, passed away April 7, 2019. He earned a law degree from Osgoode Hall Law School, and a Masters of Law from the London School of Economics. Nils lived and worked in Ottawa as a defence lawyer and Crown prosecutor and taught law at Carleton University. In 1995, he and his family moved to Oak Bay where he continued to work as a Crown prosecutor and taught law part-time at UVic. In 1996, Nils was elected as a councillor to Oak Bay Municipal Council where he served 15 years before serving as mayor, after winning back-to-back races in 2011 and 2014. He also chaired the Capital Regional District, and the Water Board. Nils Jensen is remembered for his positive outlook on life, commitment to public service and dedication to his community.

**Freya Kodar, Associate Dean,  
Administration and Research (LLB, '95):**

*Nils was an important part of the law school community and had a lasting impact on generations of UVic Law students. Over the years, he coached our moot teams, and taught Advocacy, Evidence and, most recently, Legal Ethics and Professionalism. We enjoyed his wisdom and humour, and marveled at his seemingly boundless energy and enthusiasm. He gave so much to the law school, Oak Bay and the Capital Regional District, and modelled a life of humane professionalism and civic responsibility through his commitment to community and to public service.*

**Fernando de Lima (JD, '11):**

*I had the great honour and privilege of being Nils' student (UVic Law), co-worker (Ministry of Attorney General), teaching assistant/co-instructor (UVic's Engineering Department) and, most importantly, his friend. He was a true mentor, a role he exercised with joy (especially when sharing his many "war stories"), humility, and enthusiasm. He was always generous with his time (even when working 3 or 4 jobs), was always in a good mood, and was always striving to make the world a better place. His love for the law and public service was second only to his love for Jean, his wife of many years, and his two sons, Nicholas and Stewart. He touched the lives of many and will be profoundly missed.*



## Share your Vistas

Vistas is always interested in receiving story ideas from UVic Law alumni. Although we are unable to guarantee the inclusion of materials that are sent to us, we are deeply interested in shining a spotlight on the stories that you, the alumni, care about. If you know of a UVic Law graduate who could be profiled or have other interesting story ideas or materials worth highlighting, please feel free to contact us at [lawcomm@uvic.ca](mailto:lawcomm@uvic.ca).

## Contact

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## Errors? Omissions?

If you spot something incorrect in Vistas please accept our apologies. If you send the corrected information to [lawcomm@uvic.ca](mailto:lawcomm@uvic.ca) we will happily publish the correction in the next issue of Vistas due out in Fall 2019.

