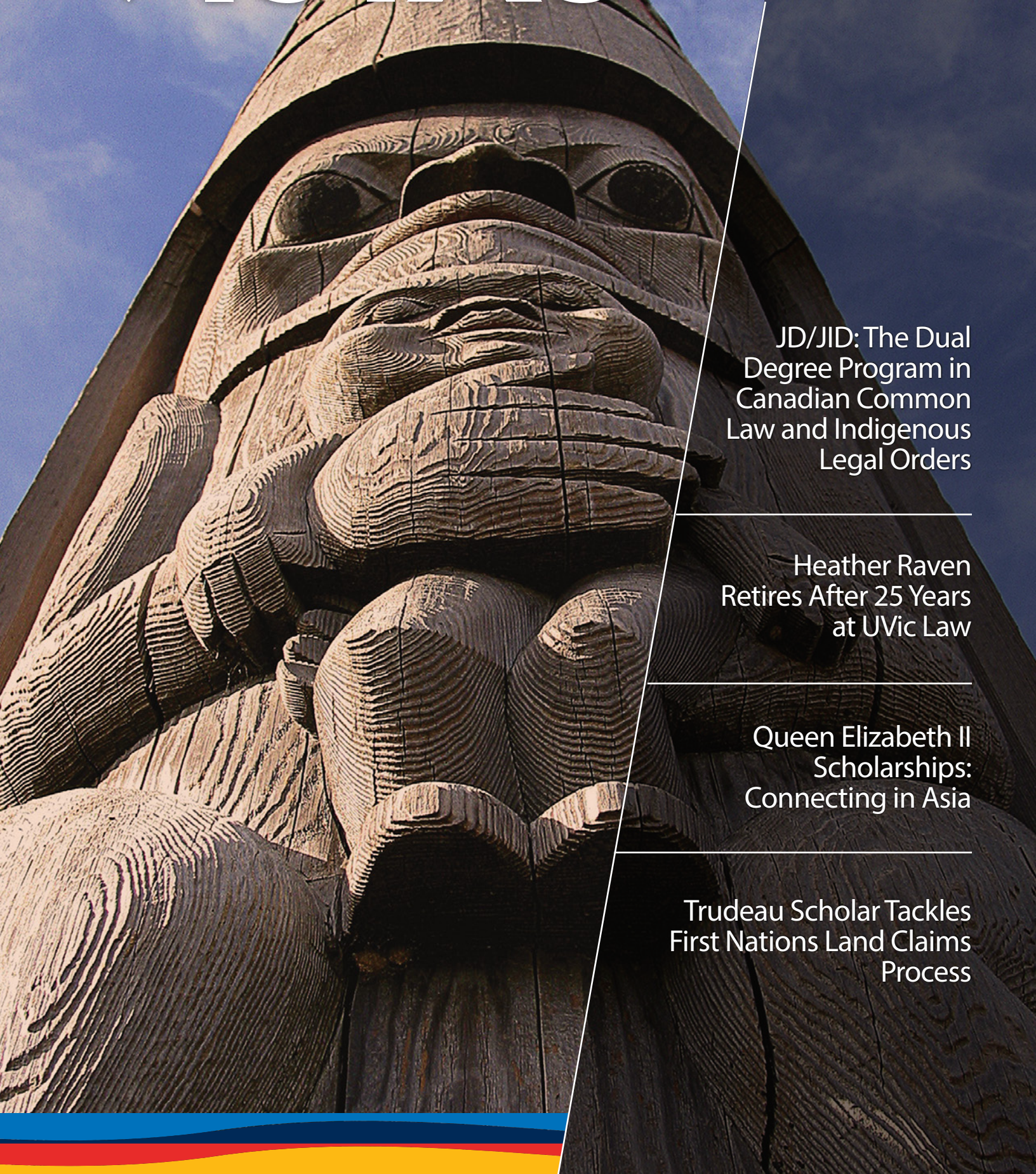


VISTAS



JD/JID: The Dual Degree Program in Canadian Common Law and Indigenous Legal Orders

Heather Raven Retires After 25 Years at UVic Law

Queen Elizabeth II Scholarships: Connecting in Asia

Trudeau Scholar Tackles First Nations Land Claims Process

VISTAS

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Cover Photo

Spirit of Lekwammen Totem Pole by Tsimshian carver Bill Helin from Prince Rupert, BC. The 55-metre pole was carved from a 500 year-old cedar tree and was raised at Songhees Point in Victoria's inner harbour for the Commonwealth Games in 1994.

Editors

Doug Jasinski ('93)

Marni MacLeod ('93)

Julie Sloan, Communications Officer UVic Law

Contributing Writers

Elizabeth Eby, Alumni Relations Officer UVic Law

Prof. Emeritus Hamar Foster

Jeremy Webber, Professor and Dean

Julie Sloan, Communications Officer UVic Law

Victor V. Ramraj, Professor of Law and Chair in Asia-Pacific Legal Relations, and Director, Centre for Asia-Pacific Initiatives

Contributing Photographers

Dominic Schaefer Photography

Jonathan Woods

Julie Sloan, Communications Officer UVic Law

Lorrie Jane Photo Services

Mike Black PhotoWorks

UVic Photo Services

Victor V. Ramraj, Professor of Law and Chair in Asia-Pacific Legal Relations, and Director, Centre for Asia-Pacific Initiatives

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Dean's Message

JEREMY WEBBER, PROFESSOR AND DEAN

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JEREMY WEBBER Dean of Law

I am now at the mid-point of my last year as Dean. At times like this, one looks back at what has been accomplished – not by me alone, but by all of us at UVic Law. When I do so, I could not be happier.

This has been a time of generational change. Out of roughly 30 faculty members, 13 have been appointed in the last five years — and we expect to have at least one further hire this year. Only very rarely do faculty members leave UVic Law for other positions. Rather, many of our colleagues are moving into retirement.

It is bittersweet to say good-bye to retiring colleagues — including Heather Raven, whose retirement is marked in this issue — but it is also true that

our new hires have been wonderful. We recruit our first-ranked candidates almost every time. More importantly, they embrace the UVic ethos: they are superb scholars and teachers who emphasize a collaborative approach to learning and practicing the law. We have introduced many new colleagues in previous issues of Vistas. I hope that you meet them over the coming years. They will transform the law.

We also work continually to develop our strengths. In 2013 we created the “Amicus Program”, founded on Heather Raven’s work as inaugural Director of Academic and Cultural Support. Amicus delivers three types of support: academic coaching, dedicated counselling and cultural support, especially for our Indigenous students.

We have worked to keep our law school accessible to students of diverse backgrounds. Last year we introduced a new class of “Diversity Entrance Scholarships” (see the update on the next page). We have also adjusted our admissions to take better account of the range of experience students bring to Law.

In return, JD students have been choosing to come to us. The number of offers we make to fill our class is 25 percent less than it was four years ago. The academic records of our students are, if anything, stronger.

The students come for the quality of our programs. No other law school in the country has as many clinical placements per student as we do: essentially one for every student who goes through UVic Law. The impact of that work has been huge. The Law Centre alone serves more than 1800 clients per year. Our three

clinics are entirely dependent on funding from foundations, alumni, and, in the case of the Business Law Clinic, leading law firms. Thanks for your generous support.

In addition to all those clinical options, we have also extended the Co-op Program. Entry is no longer controlled by lottery; anyone who wants a co-op experience can do it and something like two-thirds take up that opportunity. Our students are also very active in Pro Bono Students Canada and our recently-forged partnership with Access Pro Bono.

To top it all, last years’ rebuilding of the Moot Court means that we now have a wonderful facility — renamed the Dispute Resolution Room – for learning advocacy before courts and tribunals, all forms of dispute resolution, and the use of technology in dispute resolution. It is now being used to teach a course in Global Corruption, with professors and students at both UVic and UBC. It was supported financially by faculty and students from the earliest years of UVic Law. If you want to add to that support, please contact me at lawdean@uvic.ca.

Our graduate program too goes from strength to strength. This Vistas introduces you to our latest Trudeau Scholar, Ryan Beaton. He is the fifth Trudeau Scholar in our program; very few programs in the country can match that record. Although the great majority of our graduate students are Canadian (in fact, more than 20 percent are Indigenous), graduate study is one of many areas in which UVic is internationally engaged. See the item on our QE II Scholarships in this issue.

What’s next? Well, the next big project on the horizon headlines this issue of Vistas:

our proposed dual degree program in the Common Law and Indigenous Legal Orders, which builds in turn upon the path-breaking work of our Indigenous Law Research Unit. The potential of those initiatives are truly world-changing. Watch closely.

All of these things benefit from your advice and your support. Please let us know what you think, and continue to help us to make UVic Law the great institution it is. We are grateful. 🇳🇮

Last month, I introduced you to first-year JD student Mbaka Wadham in my annual appeal letter and email. Mbaka came to UVic Law as a published health researcher with a career in community development for those afflicted with HIV/AIDS. She was a very deserving recipient of a newly established Diversity Entrance Scholarship, awards that are funded in large part through donations to our recent fundraising appeal letters.

Here is an update on how Mbaka is doing — wonderfully! She is a superb student, already contributing meaningfully to a variety of Faculty programs. Notably, she and her partner Fauziya Issa placed first out of 24 teams in the 14th annual Environmental Law Negotiation Competition at UBC on November 10.

I am overwhelmed by the generous response of our alumni to our need for bursaries and scholarships. Thank you for supporting students like Mbaka, who are committed, as I suspect you were, to putting their knowledge of law to good use.

To make a donation to UVic Law to support students like Mbaka, visit uvic.ca/law/give



A first-person letter from Mbaka

Having been in the law program for a few months, I am even more convinced that this is exactly the place I am meant to be to achieve my goals.

Thus far, I have enjoyed my time in the UVic Law program. I am involved in the Environmental Law Club, the Business Law Association and the Indigenous Law Students Association. Recently, my colleague and I participated in the UBC Environmental Law Negotiation Competition, and won. Winning this competition has demonstrated the skills and techniques that I have developed within the short time of being at UVic Law.

As I go through this first year, I continue to be interested in human rights and immigration law, but have also discovered my interest in criminal law, environmental law and constitutional law. I will continue to develop my knowledge base in these areas and strive to complete my Co-Op work terms within these areas.

I am appreciative of the fact that awards such as the Diversity Entrance Scholarship exist, as they foster access to education for students entering into a second career. Again, thank you! 🇳🇮

JD/JID: The Dual Degree Program in Canadian Common Law and Indigenous Legal Orders

BY JULIE SLOAN, COMMUNICATIONS OFFICER UVIC LAW

There has never been a better time, or more urgent need, for a formal program in Indigenous law in Canada. This is a need that UVic Law professors John Borrows and Val Napoleon felt over ten years ago when they started putting together the concept of the Dual Degree Program in Canadian Common Law and Indigenous Legal Orders (JD/JID). Since the release of the Truth and Reconciliation Commission Calls to Action in June 2015, support for the revitalization of Indigenous Law has become a focus for the federal and provincial governments.

The UVic JD/JID is awaiting final approval for first entry of students in September 2018 or September 2019.

When offered, it will be the first program of its kind in the world. Combining intensive study of Canadian Common Law with intensive engagement with the laws of Indigenous peoples, the JD/

JID will help to fill a rapidly increasing demand for legal professionals able to work across the two legal systems.

Students will graduate in four years with two professional degrees: a Juris Doctor (JD) and a Juris Indigenarum Doctor (JID). They will have a deep understanding of Indigenous law and governance, the academic qualifications to pursue a career in Canadian Common Law, and a strong sense of how to create and manage institutions functioning across both spheres.

Consultations with potential employers make clear that the graduates of this program will be in great demand to work in:

- ▶ Indigenous governance,
- ▶ non-Indigenous government agencies,
- ▶ law firms who work with Indigenous peoples and Indigenous lands,
- ▶ business enterprises in resource development.

The JD/JID program will be housed in the Indigenous Legal Lodge, a physical space added to the Murray and Anne Fraser building and a research centre dedicated to the revitalization of Indigenous Laws in Canada and the world. It will be a national forum for critical engagement, debate, learning, public education, and partnership on Indigenous legal traditions and their use, refinement and reconstruction. The Lodge will house both the JD/JID program and the Indigenous Law Research Unit (ILRU). It will serve as a global centre of excellence on Indigenous and customary law.

More information on the JD/JID program can be found on the UVic Law website. 🇨🇦



In 2018, under Dr. Napoleon's direction, ILRU will be building and expanding research partnerships in several Indigenous legal traditions, and in a broad range of areas of law. This includes a project (funded by The Law Foundation of Ontario) to help articulate how Anishinaabe law upholds community governance, work with the Shuswap Nation Tribal Council on Secwépemc legal understandings of citizenship, and a regional project with the Gitxaala, Gitga'at, Kitselas and Kitsumkalum Nations regarding Tsimshian legal principles and processes of cooperation and conflict management.





Dr. Napoleon was recently named to the Royal Society of Canada College of New Scholars. She was also an expert witness at the National Inquiry into Missing and Murdered Indigenous Women and Girls and made submissions to the Standing Senate Committee on Aboriginal Peoples on the importance of Indigenous law in framing a new relationship between Canada and Indigenous peoples in Canada.

ILRU continues to participate in a major Social Sciences and Humanities Research Council (SSHRC)-funded project investigating Indigenous water law and non-Indigenous water use practices in the watersheds of the Cowichan, Lower Similkameen and Tsilhqot'in territories, as well as "Tracking Change," another SSHRC-funded initiative in which ILRU will work with Dane-zaa legal approaches to resource management in the context of climate change. ILRU has also received funding to support the development of curriculum and public legal education materials, and facilitated a number of workshops on critical Indigenous legal issues and Indigenous law, on such issues as human rights, governance and gender.



A close-up portrait of Heather Raven, an older woman with short, wavy white hair and blue eyes. She is wearing black-rimmed glasses, a dark suit jacket, a light purple collared shirt, and a purple tie with a large, circular, metallic brooch featuring a fish-like design. The background is a dark, solid color.

Heather Raven Retires After 25 Years at UVic Law

BY PROF. EMERITUS HAMAR FOSTER

“It’s still fun,” says Heather, when asked about being a faculty member here at UVic for all those years. Walking up to the entrance of the Fraser Building each morning finds her smiling.

So — apart from the fact that she turns 70 next year — why retire? She attributes her decision mainly to some sage advice that her friend and former colleague, John Kilcoyne, gave her some time ago: “Quit at the top of your game, while you are still enjoying it.”

Heather will be sorely missed — and not just for the excruciatingly bad puns that she and colleague Mark Gillen have inflicted on their luncheon companions over the years. Her contributions to school administration, to teaching, and to the community as a whole have been enormous. And hers has been a career marked by many highlights, most of which have taken place since her appointment as a faculty member in 1992 and have therefore reflected well on the Faculty as a whole.

Heather is a member of the Brokenhead Ojibway Nation, located in what is now the province of Manitoba, and she is the first member of her immediate family to attend university (she has a BA and an LLB from the University of British Columbia). She is the first Indigenous person to be appointed to the BC Police Commission (1992-94) and the first Indigenous person to be Chair of the Board of the Law Foundation of British Columbia (2004-2005), a board she was on from 2000 to 2005.



And this is just a part of the community involvement that has characterized her life and career. Volunteering, she says, is a great way to give back.

Heather has been a member of the Law Society's Ad Hoc PLTC Appeal Committee; a vice-chair and member of the Public Service Appeal Board of BC; an Environmental Law Centre board member; a member of the Research Co-ordinating Committee of the Victoria Indian Friendship Centre; and a West Coast Environmental Law Association board member. She has also worked with both the Vancouver Foundation and the Victoria Foundation for years, serving on the board of the latter from 2008 to 2012.

With respect to teaching, Heather has been that most valuable of colleagues: one who teaches in a number of areas and who is willing to pitch in and take on new responsibilities when the needs of the institution require it. In addition to pioneering a course in race and the law with John McLaren, Heather has, over the years, taught Contracts, Employment Law, Indigenous Law, Labour Law, Legal Mooting, the Legal Process and Secured Transactions. She has also supervised nearly sixty Law 399 directed research papers, co-supervised the Business Law Clinic and coached the Kawaskimhon Moot nine times.

Administratively, Heather designed our first comprehensive academic support program for students, as well as a cultural support program for Indigenous students. She was the director of both of these programs, and a senior instructor, from 1992 to 2004. Along with former colleague Don Galloway, Heather managed the admissions process for UVic Law's Akitsiraq LLB program, which ran in Iqaluit, Nunavut, from 2001 to 2005.



HEATHER RAVEN and JEREMY WEBBER with students from the Law Student Society

She was also Associate Dean, Academic and Student Relations from 2009 to 2015 — a long stretch in what anyone who has been associate dean knows is a demanding job. Heather was the first Indigenous person to be appointed to a senior administrative position in a Canadian common law faculty, and she reports that the experience made her appreciate (even more than she did already) “the difficult challenges some students must work with in order to succeed at law school.” She also emphasizes how much she enjoyed working with the “amazing staff” in the ADASR office, with Deans Greschner and Webber, and with Associate Deans Crane and Adjin-Tetty.

A career high came in December of 2011 when, in recognition of her contributions to legal education and administration, as well as her expertise in commercial and labour law and her record as a role model for Indigenous law students, Heather was appointed a Queen's Counsel — a designation dating back to seventeenth century England that is now seen as recognizing “exceptional merit and contribution.”

Nonetheless, Heather says that one of the things over the years that is especially meaningful for her was the installation of the spindle whorl and nobility blanket in the lobby of the law building over 20 years ago. UVic, she says, was the first Canadian law school that recognized, tangibly, that there was a pre-existing and valid legal system here before the settlers came and that our school is located on traditional lands. “It was an amazing opportunity for me to work with Dean David Cohen and with elders Charles Elliott and Bill White on this project,” she says.

Another project that stands out in this respect is the 2003 conference celebrating the 30th anniversary of the famous *Calder* case in the Supreme Court of Canada. The conference was Heather's idea, and she served both on the organizing committee and the editorial board that produced a book of essays from the conference, *Let Right Be Done: Aboriginal Title, the Calder case, and the Future of Indigenous Rights* (UBC Press 2007). Presenters at this conference included retired Supreme Court of Canada Justice Gérard La Forest and ➤



HEATHER RAVEN with carver CHARLES ELLIOTT and his grandson at the re-installation of the spindle whorl in the lobby of the Fraser Building.



In 2006, Heather Raven created the Heather Raven Leadership Award, an endowed scholarship that recognizes “a second year student...who has demonstrated leadership, academic excellence and a commitment to community service.”

If you want to help build the endowment, please visit uvic.ca/law/give

Indigenous law scholars from Australia, New Zealand and, of course, Canada. Highlights included a conversation on stage between Frank Calder and Nisga'a lawyer Thomas Berger, QC, moderated by Prof. Jeremy Webber, and a “gala” evening at the end featuring the Nisga'a Ts'amiks Dancers from Vancouver. In what must have been a first, Nisga'a President Joe Gosnell, University President David Turpin, Lieutenant Governor Iona Campagnolo and BC Chief Justice Lance Finch all spoke. As Jeremy Webber wrote in *Let Right Be Done*, “Those of us who were there will never forget that evening” — an evening that would never have happened were it not for Heather Raven.

What Heather says she will miss the most in retirement is being part of the intellectual community of UVic Law, and participating in the give and take of discussion and the trade in ideas. But of course she has always been involved in this sort of intellectual endeavour, from her student days to her time with the

Department of Justice to her work as a lawyer with the BC Government and Service Employees Union in the years before coming to UVic. And she stresses that, without the support of family, friends, colleagues and many students, she could not have done all she has at UVic. Or, as she puts it, “I would not have been able to stretch a 2 year term appointment — I was initially appointed for only two years but became the visitor that just wouldn't leave — into 25 years of fun!”

I can personally attest to that. I was a colleague of Heather's for the first 23 of her 25 years at UVic Law and have many fond memories of our time together. Heather is someone I could always consult on such things as how to organize the Spring component of Legal Process, which for years involved a simulated exercise on culturally modified trees and Aboriginal title; on anything with respect to student matters, but of course especially with respect to Indigenous

students; on protocol with local First Nations; and, well, on anything, really. She is also someone who can recommend a good single malt to celebrate the publication of a book such as *Let Right Be Done*, and who can be relied upon for sage advice when the going gets tough. I sought that advice often.

Heather Raven is someone with her feet planted firmly in both the Indigenous and non-Indigenous world of 21st century Canada. Her hard work, dedication and common sense have enabled her to make a huge contribution to UVic Law and to the wider community. She has also been a good friend to so many of us as well as an invaluable colleague. The Faculty of Law, the University of Victoria and that wider community thank her for all she has done, and wish her a happy and fruitful retirement.

And so do I. 🇩🇪



Queen Elizabeth II Scholarships: Connecting in Asia

BY VICTOR V. RAMRAJ, PROFESSOR OF LAW AND CHAIR IN ASIA-PACIFIC LEGAL RELATIONS,
AND DIRECTOR, CENTRE FOR ASIA-PACIFIC INITIATIVES

In September 2017, among the fresh faces of graduate students at the Faculty of Law were two doctoral students in the PhD Program in Law and Society—Nima Dorji, from Bhutan, and Ratanta Ly, from Cambodia. Both scholars are at the Faculty thanks to the Queen Elizabeth II Diamond Jubilee Advanced Scholars (QES-AS) program, a Universities Canada initiative to build research capacity in low and middle-income countries by bringing doctoral and early career scholars to Canada and sending Canadian scholars abroad.

NIMA DORJI presents a graduate seminar at UVic in November 2017.



PHOTO: JONATHAN WOODS

This year the Faculty of Law and Centre for Asia-Pacific Initiatives were jointly awarded a \$499,000

grant from the QES-AS program for a research project entitled “Regulating Globalization in South and Southeast Asia,” led by Victor V. Ramraj, Professor of Law and Chair in Asia-Pacific Legal Relations, and Director, Centre for Asia-Pacific Initiatives. The scholars in this program will conduct interdisciplinary research on innovative governance and justice strategies, involving state, but also and crucially, non-state actors, to mitigate the harsher effects of economic globalization in South and Southeast Asia. The QES-AS scholars will spend part of their time with an external partner outside the University where they will gain hands-on research experience.

The institutional partners in the project are:

- Azim Premji University in Bengaluru, India,
- Hanoi Law University in Vietnam,
- Jigme Singye Wangchuck School of Law in Thimphu, Bhutan, and
- Royal University of Law and Economics in Phnom Penh, Cambodia.

Over the three years of the project, through December 2020, between 15 and 20 scholars will cross the Pacific to participate in the project.

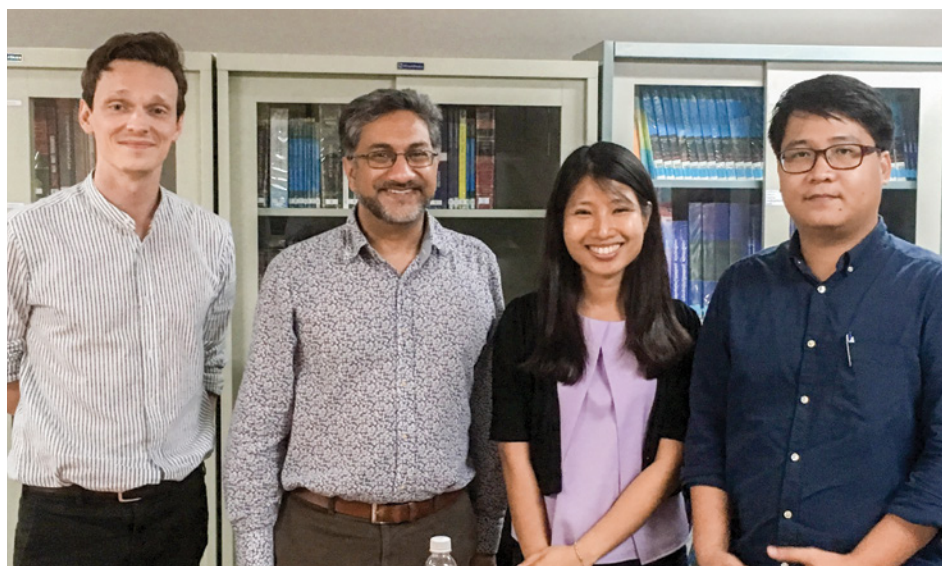
Nima Dorji is a PhD student at the Law and Society Program at the University of Victoria and a Canadian Queen Elizabeth II Diamond Jubilee Advanced Scholar (QES-AS). He is a senior lecturer and one of the founding faculty members at the Jigme Singye Wangchuck (JSW) School of Law, Bhutan’s first law school. Nima has been working on the law school

project since 2014, which led to its opening on July 3, 2017, as the law school welcomed its first cohort of 25 students to the campus. Before joining JSW, Nima worked as a Legal Officer at Bhutan National Legal Institute (BNLI). He was one of the founding staff members of BNLI, managing UN-funded activities and legal dissemination programs. He received his BA and LLB (Hons.) degrees from NALSAR University of Law in India in 2009, his Postgraduate Diploma in National Law (PGDNL) from the Royal Institute of Management, Bhutan, in 2010, and his Master of Laws (LLM) from the University of Canberra, Australia, in 2014.

Ratana Ly completed her LLB at Royal University of Law and Economics in Phnom Penh, Cambodia, and her LLM at Nagoya University in Japan. Her LLB and LLM theses focused on the International Criminal Court. Since September 2014, she has worked as a

human rights researcher at the Center for the Study of Humanitarian Law in Phnom Penh, and has authored a number of articles on labour migration, refugees, and acceptance of international criminal justice. Her current research at UVic focuses on business and human rights in the context of the construction industry in Cambodia. While doing her PhD coursework, Ratana is also volunteering with the UVic chapter of Pro Bono Students Canada for a project on the right to occupational health and safety of construction workers in Cambodia.

The Canadian Queen Elizabeth II Diamond Jubilee Scholarships aim to activate a dynamic community of young global leaders to create lasting impact both at home and abroad through inter-cultural exchanges encompassing international education, discovery and inquiry, and professional experiences. 🇨🇦



Centre for the Study of Humanitarian Law at the Royal University of Law and Economics in Cambodia. L-R: **BEN LAWRENCE** (PhD candidate, UVic), **VICTOR RAMRAJ** (Director, Centre for Asia Pacific Initiatives, UVic), **RATANA LY** (PhD candidate, UVic, and QES-AS scholar), **KIMSAN SOY** (Director of SHSL)

PHOTO: UVIC PHOTO SERVICES

Trudeau Scholar Tackles First Nations Land Claims Process

BY JULIE SLOAN, COMMUNICATIONS OFFICER UVIC LAW

Ryan Beaton is not your typical law student. He likes to stir things up and ask the big questions no one else wants to ask, like “Why are we doing it this way?” and “Is this really working?” His approach can make him unpopular in a room full of lawyers, but right at home in academia.

“I don’t find I fit into the legal profession in that I don’t like hierarchies,” says Beaton. “I don’t like formalities or the obscurity that the law lays over political issues. My general approach to law is to peel all of that back—that’s what excites me about legal scholarship.” It’s no surprise, then, that Beaton is one of two UVic PhD students awarded 2017 Trudeau Scholarships—one of the biggest and most prestigious awards in the country.

Beaton looks at law from a philosophical and theoretical perspective, which perhaps comes from his broad academic background. He holds a PhD in philosophy and an MSc in mathematics, and, upon graduating from Harvard Law, was recognized for his contribution of more than 1,000 hours of *pro bono* service as a law student.

His drive to understand the big picture has pushed him to challenge one of the Canadian legal system’s biggest and most contentious issues: Indigenous land claims. “It’s a major, unresolved part of our history in Canada,” says Beaton, whose research is tackling the inadequacies of an outdated legal doctrine for resolving Aboriginal land claims.

“For 35 years now,” he explains, “the courts in Canada have been developing a framework for recognizing Aboriginal rights under section 35 of the *Constitution Act, 1982*. My project examines the parts of this legal framework that have reached a breaking point and which, in many ways, obscure the underlying political stakes involved in Aboriginal rights cases.

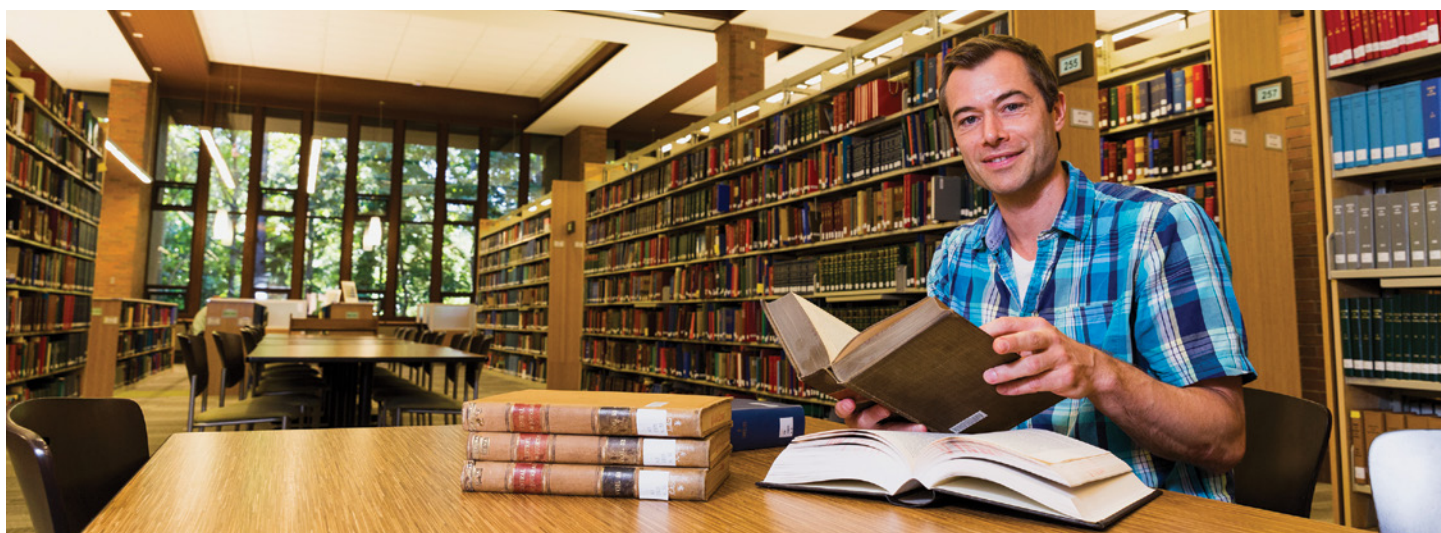
“I have two basic goals for this research: to propose concrete changes to the courts that would further the stated aim of reconciliation, and to make the legal process more accessible to the general public to support broader democratic debate around these issues.”



“I don’t like formalities or the obscurity that the law lays over political issues. My general approach to law is to peel all of that back...”

Why did Beaton choose UVic to pursue a PhD in law? While clerking at the Supreme Court of Canada for Chief Justice Beverley McLachlin, Ryan heard UVic Law professor John Borrows speak about Indigenous legal issues. That confirmed for him that UVic was the best place in Canada to pursue his research.

Beaton is the fifth student from UVic Law and the seventh from the University to be named a Trudeau Scholar since the program’s inception in 2004. Ryan Tonkin in the Department of Philosophy is the other 2017 Trudeau Scholar. 🇨🇦



PHOTOS: UVIC PHOTO SERVICES

Honorary Doctorates: The UVic Law Connection

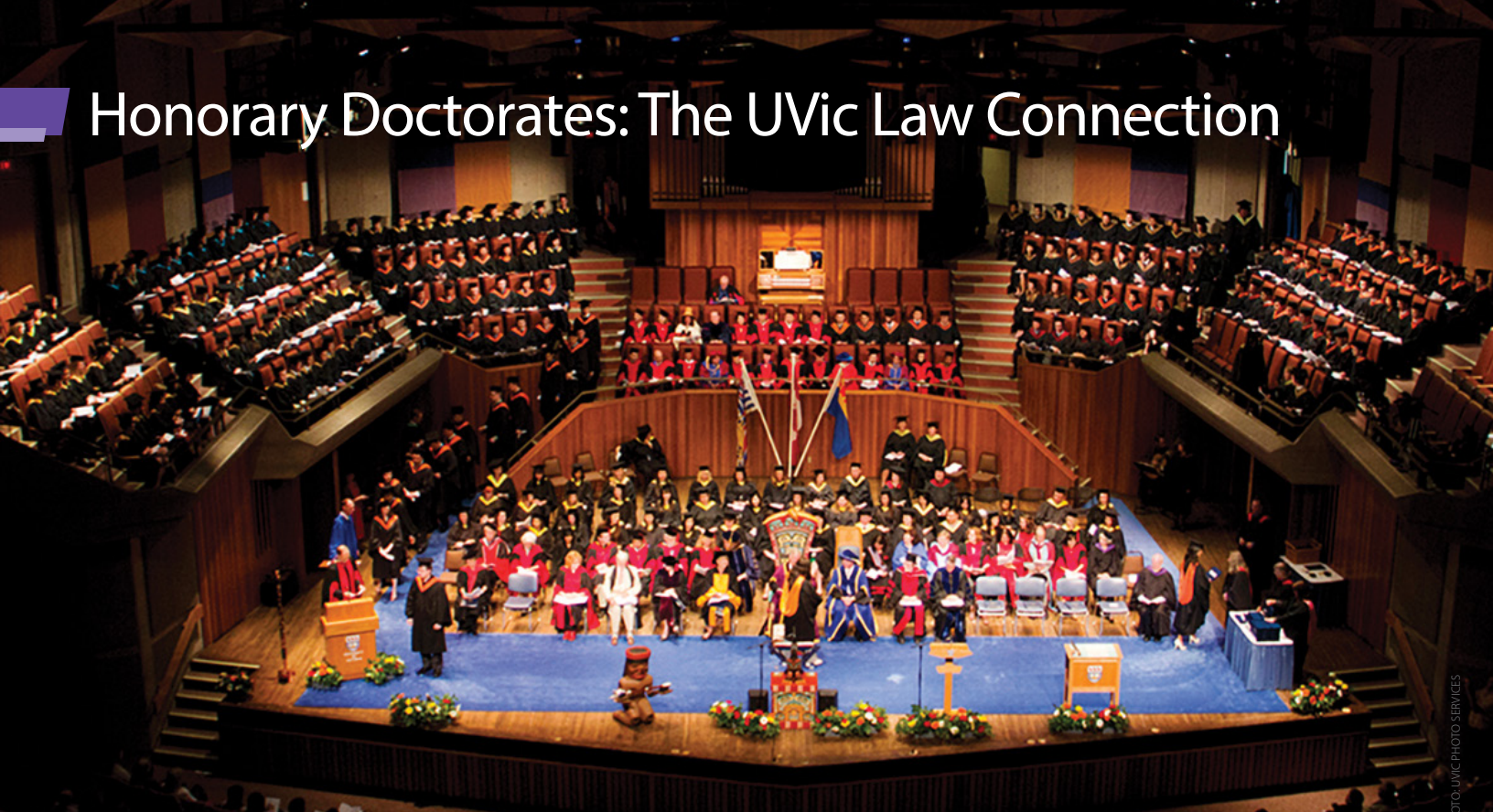


PHOTO: UVIC PHOTO SERVICES

Four honorary doctorates were conferred on a group of astounding recipients during the fall convocation ceremonies in November. All four of the recipients have connections to UVic Law.

Sheridan Scott ('81) is a remarkable lawyer who has made distinguished contributions in broadcasting and telecommunications and competition law. She was in-house counsel to the Canadian Radio-television and Telecommunications Commission (CRTC), head of the Competition Bureau, Vice President of CBC and then Bell Canada, and a leading partner at Bennett Jones LLP. In 2005, she was named one of Canada's 100 Most Powerful Women in the Trailblazer category by the Women's Executive Network. In 2012, she was awarded the Queen Elizabeth II Diamond Jubilee Medal.

She was a member of UVic Law's fourth class and the first UVic Law graduate to serve as Law Clerk to a Chief Justice of the Supreme Court of Canada, The Right Honourable Bora Laskin.

Neil Sterritt is an author and champion of aboriginal rights and governance. He was a driving force behind what

is arguably the most important court decision in the history of Indigenous land claims in Canada.


Sterritt was president of the Gitksan Wet'suwet'en Tribal Council when in 1984, he and a group of elders filed a land(?) claim in the Smithers provincial court registry. The ensuing trial lasted 374 days, in which they were able to give substance to Aboriginal treaty rights and self-government based on their own laws, traditions and governing structures. Sterritt testified for 33 days of the trial. He also worked with Val Napoleon for many years before she came to law school at UVic.

Barney Williams Jr. is Nuu-chah-nulth and a member of the Tla-o-qui-aht First Nation. A registered clinical counselor and a survivor of the residential school system, he was an invaluable contributor to the work of the Truth and Reconciliation Commission of Canada. From 2008 to 2015, he served as a member of the Commission's Indian Residential School Survivor Committee, providing cultural and spiritual advice.

As a registered clinical counsellor, Williams has provided training, healing

and workshops for individuals and communities in mental health, crisis intervention and addictions. Williams served for 60 years as the traditional keeper of the beach for the Tla-o-qui-aht First Nation. He's also an Elder-in-Residence at UVic and provides advice on the university's role in reconciliation.

David Flaherty is a pioneer of legal history and was among the first legal historians in Canada. As BC's first Information and Privacy Commissioner he played a central role in the development of information and privacy law and policy at the national level and, internationally, he has been a crucial figure in discussions around privacy and access to information. He was an Adjunct Professor in political science at UVic from 1999-2006.

Dr. Flaherty is the older brother of former federal finance minister, Jim Flaherty. More recently he has been a patron of the arts in Victoria through his philanthropy and volunteerism, sitting on the Board of Directors of the Pacific Opera Victoria. Dean Jeremy Webber wrote the letter of recommendation for David's honorary doctorate. 

Alumni Vistas: News and Updates

The 1980s



Madam Justice Barbara L. Fisher ('81), who taught at UVic Law as a sessional instructor, has been elevated to

the BC Court of Appeal. She served as law clerk for the Honourable Nathaniel Nemetz, Chief Justice of British Columbia, before being admitted to the British Columbia Bar in 1983. She was appointed to the Supreme Court of British Columbia in November 2004. As a justice on the British Columbia Supreme Court, Justice Fisher was deeply involved in judicial education — locally, as a long-time member of the Education Committee; nationally, with the National Judicial Institute; and internationally, as part of a justice initiative in Ethiopia sponsored by the Justice Education Society of British Columbia.

Chantal Meagher ('85) has joined the board of the Art Gallery of Greater Victoria.

The 1990s

at The Peter A. Allard School of Law since 2013. Jetté is active in minor and amateur sports associations in Port Moody and Coquitlam.



The Honourable Leonard "Len" Marchand, Jr. ('94), a judge of the Provincial Court of British Columbia, has

been appointed a judge of the Supreme Court of British Columbia in Kelowna. Having grown up in Kamloops as a member of the Okanagan Indian Band, Justice Marchand has presided in First Nations Court in Kamloops, and served on the Oversight Committee for the Independent Assessment Process and also the Selection Committee for the Truth and Reconciliation Committee. During his career, Justice Marchand was influential in the largest class action settlement in Canadian history, the negotiation and signing of the Indian Residential Schools Settlement Agreement. He has represented many residential school survivors in civil claims of historic child abuse.



The Honourable Carla Qualtrough ('97), Liberal Member of Parliament for Delta, BC, was appointed as

the Minister of Public Services and Procurement in August 2017. She recently received the Jim Flaherty Award for Leadership, Inclusion and Accessibility from the Abilities Center in Whitby, Ontario for her work during her appointment as Minister of Sport and Persons with Disabilities.

The 2000s



After completing on the sale of his business, **Rahim Talib ('00)** has moved from President & CEO of Meadowfresh

Dairy Corporation to oversee Made Fresh Foods, a company he acquired in 2014. Made Fresh Foods, based in Edmonton, focuses on bringing "farm to table" with an emphasis on reflecting Alberta's diverse food culture. In 2018, Rahim plans to expand Made Fresh Foods to BC with a continued mission to put consumers in touch with local, fresh and better-for-you food options.



Jude Samson ('01) has been appointed as a full-time member of the Appeal Division with the Government

of Canada's Social Security Tribunal. This follows his appointment to the Tribunal's General Division — Income Security Section in August 2015.

Jaime Mellot ('04) has been re-appointed as a full-time member of the Income Security section of the Government of Canada's Social Security Tribunal.



Dr. Lorne Neudorf ('07) has been named the Deputy Dean of the Adelaide Law School at the University of

Adelaide. After completing an LLM at McGill University and a PhD at the University of Cambridge, Dr. Neudorf was a founding faculty member at Thompson Rivers University Faculty of Law.

The 1990s



Judge Mark Jetté ('90) was sworn in on November 10, 2017. He has been assigned to the Fraser Region with Chambers

in Surrey. With an interest in criminal law and litigation, he worked in private practice and was most recently a partner with Sutherland Jetté Barristers, where his practice consisted of criminal defense and extradition. Jetté has worked as an *ad hoc* prosecutor and special prosecutor, as well as for the Office of the Police Complaint Commissioner. He has been an adjunct professor of advocacy law

The 2000s



Brigeeta C. Richdale ('09) has joined Cassels Brock & Blackwell LLP as a key partner in their national Securities

Litigation practice. Brigeeta is based out of their Vancouver office.

The 2010s



Musician Tara D. Williamson ('10)

is one of 150 Indigenous artists from across the country who have been awarded the \$10,000 Hnatyshyn Foundation Reveal Indigenous Art Award. Her most recent album, *Songs To Keep Us Warm*, was nominated for Best Pop Album at the 2017 Indigenous Music Awards. Not only is she a recording and performing artist, Tara is also a professional writer and educator. She is currently the Editor of the online Indigenous media platform, *Indian & Cowboy*, and is working on a musical about murdered and missing Indigenous women under the mentorship of Tomson Highway. She is currently teaching full time at the University of Winnipeg in the Faculty of Indigenous Studies.

The 2010s



Sarah Arngna'naaq ('12) not only works as Nunavut's only Inuk Crown prosecutor, but also as an on-call firefighter in Yellowknife. On her experience as a firefighter, Sarah comments "This job has been a good reminder for me to keep trying new things and stay open to new experiences. I didn't know I'd be able to do this work, or even whether I'd like it. But four years later, I'm still enjoying it. So don't assume you can't do something, no matter how impossible it might seem." Sarah was featured as part of *Keeping Canada Safe*, a four-part CBC docuseries that explores the security of communities in Canada by profiling contributions of action-driven Canadians. More info can be found at cbc.ca/keepingcanadasafe/blog/meet-sarah-arngnanaaq-on-call-firefighter-and-crown-prosecutor

The 2010s



Colin Edstrom ('10) has joined the Okanagan College Foundation Board as a director. After working with Fasken Martineau

DuMoulin LLP and Fasken Martineau DuMoulin LLP in Vancouver, Colin now primarily focuses on workplace law at Pushor Mitchell LLP in Kelowna.



Gavin J. Mather ('12) has left Quadra Legal Centre and moved to Comox, BC to practice law with **Gordon White ('92)**.



Stephen Lyons ('14) who practices at Stevenson Luchies & Legh has been re-elected to the Craigdarroch Castle Historical

Museum Society as a director and treasurer.

Save the Date: Upcoming UVic Law Alumni Receptions

- Toronto: February 26th
- Calgary: February 27th
- Vancouver: March 1st

Invitation and details to follow in January 2018.

For more information, contact:

Elizabeth Eby, Alumni Relations Officer
lawalum@uvic.ca | 250-853-3518



Appointments & Honours



John Borrows is on sabbatical in 2017-2018 at McGill Law School as the Visiting Tomlinson Distinguished

Professor. He delivered the F.E.L. Priestly Lectures on the History of Ideas at University College in October. He taught Anishinaabe Field Courses on his reserve, Neyaashiinigiimig (Cape Croker), in September in three consecutive weeks, for McGill Law School, U of T Law School and Osgoode Hall Law School.

This past June, John also received an honorary doctorate from the Law Society of Upper Canada. The Law Society awards honorary doctorates to distinguished people in recognition of outstanding achievements in the legal profession. Recipients serve as inspirational keynote speakers for the new lawyers attending the Call ceremonies.



Donna Greschner spent part of a six-month study leave as a distinguished visitor at the University of

Padua, where she gave guest lectures in Padua's international MA program on Human Rights and Multi-level Governance. Topics included gender equality in constitutional design, the impact of populist resurgences on human rights, and abuse of executive power

in illiberal democracies. She says that autumn was an exciting time to be in northern Italy because two northern regions held referenda seeking more autonomy from the central government. In July, Donna was in Copenhagen to present papers at the annual meeting of ICON, the International Association of Public Law. She notes that when she attended her first international meeting of comparative constitutional law in the early 1980s, the group met in a conference room off the beaten track in Belgrade. By contrast, the 2017 ICON meeting drew one thousand scholars and practitioners from around the world.



Professor Michelle Lawrence is the recipient of the Terry J. Wuester Award, which is presented to a member of the

faculty who has exhibited a commitment to student learning and development both inside and outside the classroom, as determined by a vote of the graduating class. She was recognized for this award at the fall convocation in November.

Michelle teaches and researches in criminal law, sentencing, and the law of evidence.

Presentations & Speakers



In June, **Professor Maneesha Deckha** presented a talk about the desirability of cultivating

resilience in law schools as part of the annual meeting of the Canadian Association of Law Teachers held at the Faculty. In July she published an op-ed in the Vancouver Sun (online version) about the extreme laxity of animal welfare laws in general and how the rodeo events at the Calgary Stampede are thus able to evade prosecution. In September, she delivered a keynote lecture for the Development for Species Symposium, sponsored by the Australian Sociological Association, critically analyzing *R. v. Krajnc*, a trial that received international headlines and involved an animal activist who was charged with legal mischief for giving water to a thirsty pig en route to slaughter. Entitled "Farmed Animal Suffering: Can the law bear witness?", Maneesha discussed the ways in which law obscures the violence farmed animals endure. She also delivered a variation of this talk for the Food Law and Policy conference in Ottawa in November. That same month her chapter asking "Is Multiculturalism Good for Animals?" appeared in the publication of *Animals, Race and Multiculturalism* co-edited by Luis Cordero-Rodrigues and Les Mitchell. In early December, Maneesha presented a draft of her paper on farmed animal suffering to the Animals in Law and Humanities Working Group at the University of Toronto.





Professor Bob Howell attended the Canadian IP Scholars' Workshop 2017 in Ottawa from May 9 to 10, 2017. He presented

a paper "The Nature and Scope of a Property Interest in Domain Names," an area that presents many unresolved issues as the Common Law continues to develop contextually with technology. After the workshop, the paper was further developed and submitted for peer review as a chapter in a book publicizing the proceedings of the event. Significant issues of private international law (conflict of laws) are involved in such recognition and Professor Howell considers both *in person* and *in rem* perspectives.

In addition, Professor Howell completed and submitted his report "Security Rights Over Intellectual Property" for the Congress of the International Academy of Comparative Law 2018 to be held in Fukuoka, Japan in July 2018. In this subject area, Professor Howell is the Canadian Reporter (Common Law) and will attend the Congress. The report discusses the federal and provincial relationship in intellectual property rights and personal property security legislation (PPSA) as well as some related enactments.

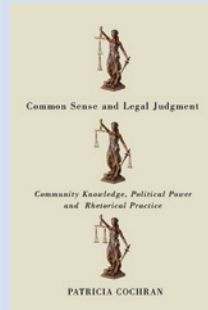
Both of the above topics emphasize the importance today of intangible proprietary rights.

Publications



Patricia Cochran's first book has been published. *Common Sense and Legal Judgment: Community Knowledge, Political Power and Rhetorical Practice* asks the questions:

"What does it mean when a judge in a court of law uses the

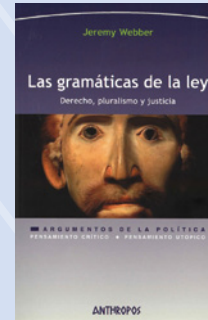


phrase "common sense"? Is it a type of evidence or a mode of reasoning? In a world characterized by material and political inequalities, whose common sense should inform the law? *Common Sense and Legal Judgment* explores this rhetorically powerful phrase, arguing that common sense, when invoked in political and legal discourses without adequate reflection, poses a threat to the quality and legitimacy of legal judgment."

Dr. Cochran's book is available on Amazon and through the McGill-Queen's University Press.



Dean **Jeremy Webber's** book, *Las gramáticas de la ley: Derecho, pluralismo y justicia* [The Grammars of Law: Law, Pluralism, and Justice] (Barcelona: Anthropos, 2017), appeared this September. Anthropos specializes in works dealing with cultural difference.



Their books are distributed throughout the Spanish-speaking world. The book deals with legal pluralism and cultural difference, including how we should conceive of the encounter between Indigenous peoples and settler governments, especially in Canada and Australia. It was translated by Francisco Beltrán Adell and Álvaro R. Córdova Flores, with the energetic support of Francisco Colom González of the Centre for Human and Social Sciences of the Spanish National Research Council. 🇪🇸

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 awcomm@uvic.ca.

Errors? Omissions?

If you spot something incorrect in Vistas please accept our apologies. If you send the corrected information to lawcomm@uvic.ca we will happily publish the correction in the next issue of Vistas due out in Spring 2018.

Contact

Faculty of Law
University of Victoria
Murray and Anne Fraser Building, Room 102
McGill Road at Ring Road

PO Box 1700 STN CSC
Victoria, British Columbia
V8W 2Y2 Canada

T: 250.721.8151
F: 250.721.8913
uvic.ca/law

