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For more information please contact:
Matilda Charitos, Alumni Relations and Development
The University of Western Ontario, Dean of Law Offices
Room 214, Law Building
Tel: 519-661-3953, Mobile: 519-282-2838
E-mail: mcharits@uwo.ca

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On The Cover
Rosemary McCarney '77 in Sri Lanka

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Printer: Contact Creative

Western Law Alumni Magazine 2010. Western Law Magazine is the alumni magazine of the Faculty of Law, The University of Western Ontario, Canada.

Post Publication Agreement No. 40710538. The views and opinions expressed in this magazine are those of the authors and not necessarily of Western Law.
Comments and contributions are welcomed. Please email Susanna Eayrs at seayrs@uwo.ca

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

Cert no. SW-COC-002956

Copyright 2010. The University of Western Ontario
The Theme of This Year’s Magazine is “Making a Difference”. We profile four alumni who are through their work and through using their legal training, I’m proud to say – making a profound difference to Canada and the world. In the same vein, we also write about some very important work being done within the faculty that is also making a difference, both in scholarly terms and in terms of the way in which we teach our students about what it means to be a lawyer.

We’ve just finished an exciting golden anniversary year. The highlights included a marvellous evening at the Hockey Hall of Fame to celebrate the creation of the Richard McLaren Visiting Professorship in Business Law, as well as “Shakespeare in Court”, a wonderful and unique event which brought together people from our past and our present to celebrate the connections between law, literature and history in a way that was extremely funny and entertaining. And the year ended with our gala reception at the Fairmont Royal York Hotel in Toronto. All who were there – and there were 450 of us! – will agree that it was a glorious evening full of nostalgia and laughter and happiness.

As I write this, the news has just broken that our former dean, David Johnston, is to be appointed Canada’s next Governor General. With his legal training and his many years of presidential experience, one is hard-pressed to imagine a better candidate for the job. But more than formal credentials, David is a wonderful person with the capacity to inspire. His time as our dean was one of the golden periods in our history, and it comes as a special thrill that someone with such an important link to Western Law will occupy the viceroy’s office.

The real message of our anniversary year is that no matter what the endeavour, individuals do make the difference. Whether it is the work that will be done in Rideau Hall by our former dean, or the work being done by our graduates all across the globe to improve the human condition, or the scholarly work being done by our professors, or the work done by faculty, staff and the leaders of the Alumni Association to put together events like golden anniversaries, the common thread is the commitment and dedication and loyalty of the individual. That is what makes Western Law such a special place. And it is what makes my job one of the best in the world.

Non sibi sed omnibus!
Dean Ian Holloway QC
Western Law Dean Ian Holloway, together with students, alumni and friends, rang the morning bell on Thursday April 29 to open the Toronto Stock Exchange in celebration of the 50th anniversary of the school’s founding. In the years since 1959, Western has grown into one of Canada’s leading law schools, with a base of more than 6,000 alumni who occupy positions of leadership that span the globe. Western enjoys a particular reputation for leadership in the area of business law in the global environment.

The anniversary celebration continued into the evening at Toronto’s Fairmont Royal York, which hosted Western Law’s largest alumni event in its 50 years.

Western Law is pleased to announce that Warren Bongard will be the new President of The University of Western Ontario Law Alumni Association (UWOLAA).

Bongard is a graduate of the class of ‘91 and Vice-President & Co-Founder of ZSA Legal Recruitment. At ZSA, he represents law firms and companies in their recruitment efforts to land legal talent and plays a key consulting role in orchestrating law firm mergers.

Bongard takes over the alumni reigns from Rick Morelli, who has been a dedicated and enthusiastic leader of UWOLAA for the past four years.

“It’s a real honour to succeed Rick. He did a great job in leading the alumni association to its next level,” says Bongard.

Bongard served on the UWOLAA board for the past two years and sees this as an ideal opportunity to step up and give back to what he calls “the best law school in the country.”

“This is my chance to create greater connections and bring people closer together. I want to raise awareness of the quality of our law school and of our graduates,” Bongard says. “Our alumni are an amazing group of people.”

The alumni association is working diligently to plan some great events and reunions at Homecoming, which takes place from September 30 to October 3.

“We are going to kick off a great 2010-11 year with a celebration at Homecoming, followed by Toronto and London events which you will learn about in the coming months.”
DAVID JOHNSTON, former Dean of Western Law (1974-79), has been selected as Canada’s next Governor General. Johnston, 69, is currently president of the University of Waterloo and is set to become the Queen’s next representative in Canada on October 1, replacing Michèlle Jean, who will begin a four-year post as special envoy to Haiti for the United Nations.

“Mr. Johnston has a strong record of public service, a broad base of support and an impressive list of achievements,” said Prime Minister Stephen Harper, who announced the appointment. “He has extensive legal expertise, a comprehensive understanding of government and a deep appreciation of the duties and tasks now before him. David Johnston represents the best of Canada. He represents hard work, dedication, public service and humility.”

Johnston holds a bachelor’s degree from Harvard, a law degree from Queen’s University and another from Cambridge University. A companion of the Order of Canada, Johnston was also the head of Montreal’s McGill University and taught at the University of Toronto and at Queen’s.

“The law school made tremendous strides under his leadership at Western. They were challenging times, but his commitment to the faculty and students was strong,” says Western Law professor Robert Solomon, who started at the university in 1972. “It was a genuine pleasure to work with him and I am not surprised by his latest appointment.”

Western Law alumnus and current professor Bruce Welling recalls Johnston hiring him to teach at Western upon returning from graduate school in England in 1975.

“He immediately called me into his office and told me that he considered that his job was to help me in any way he could. As it turned out, he was telling the truth,” says Welling, adding that when his first-year teaching evaluations were less than flattering, Johnston gave him the encouragement to stick with it.

“I don’t know where he got his managerial wisdom, but he was an excellent man to work for as a young, inexperienced academic. He will make a superb Governor General.”

ACCESSIBILITY ASSISTANCE HELPS VISUALLY IMPAIRED STUDENT PURSUE DREAM

Already a two-time Western graduate, Alexandra Papaiconomou is now pursuing a law degree, thanks to high academic abilities and her guide dog, Buckles.

The law degree will be her fourth - and third from Western. After graduating from Fanshawe College with a diploma in Developmental Science, the Toronto native came to Western in 2001 and earned a double BA (History and Sociology) and a master’s in History - in just four years.

These accomplishments would be impressive enough on their own; however Papaiconomou is also blind, the result of a congenital condition that caused a gradual deterioration of her eyesight over 11 years. She says she’s proud the university didn’t let the condition get in the way of her potential success.

“Western doesn’t provide a cookie-cutter level of accessibility. They don’t tell you what you need, they ask you,” she says. “And the Services for Students with Disabilities Office here at Western is really great with that. It’s customized to what you need. Even from one blind person to another, the level of accessibility needed is very different. The professors here have been fantastic and are really working with me to support me in this process.”

She says she likes being challenged and does not feel at a disadvantage.

“The big thing, however, is I hate the word tolerance. I don’t want to be tolerated by anybody and I certainly don’t feel like I’m tolerated at Western. I feel like I’m a part of this university and that my contributions are just as valuable as anyone else’s.”

Alexandra Papaiconomou and Buckles
ALUM CLIMBS MT. KILIMANJARO FOR LITERACY

Chris Bredt ’79, a senior litigation partner at Borden Ladner Gervais’ Toronto Office, took on a tough yet rewarding, physically and mentally demanding challenge for a second time.

Chris and a team of volunteer lawyers trekked to the top of Mt. Kilimanjaro, Africa’s highest mountain, for charity.

In 2006, when Chris Bredt was Chairman of the board for CODE, he decided to take on a life-long dream and turn it into an ambitious fund-raiser for charity. Now, four years later, Chris led his second trek with a new team of volunteer lawyers.

Although Chris realized his life-long dream on the first Kilimanjaro climb, his motivation for spear-heading this latest challenge remains the same - a firm and steadfast belief that people are a nation’s greatest resource and that supporting education is the cornerstone to development and a brighter future for all.

The team’s goal is to raise more than $100,000 to support CODE’s Summit of Literacy, a program that delivers much-needed funding to children’s literacy programs in Africa. The program is also dedicated to supporting libraries, teacher training and writing and publishing books.

The BLG team included Sean Weir, BLG’s National Managing Partner, Shelley Munro, Bill Carter and Michael Smith.

‘Movember’ changes the face of men’s health

November became Movember for group of Western Law students who lent their upper lips for a very good cause.

The students sported moustaches or “mos” to support Movember, a movement to raise money and awareness for prostate cancer.

“My first moustache at the age of 15 was unfortunate looking, to say the least,” recalls Christopher Crichton ’10. “But during Movember I realized that, despite my rather feeble attempt at hair growth, it was a great feeling to be able to contribute to this important cause and bond with my fellow Mo bros.”

The hirsute Western Law team of 20 raised nearly $5,000 for Prostate Cancer Canada for the development of programs related to public education, advocacy, support of those affected, and research into the disease.

“Not only have we been able to raise a significant amount of money but we’ve also raised a lot of awareness by giving the cause some face time,” says Ken Saddington ’10.

One in six men will develop prostate cancer and every year 25,500 men in Canada are diagnosed with the disease. In 2008 the Movember campaign raised $2.4 million, making it the largest charity event for men in Canada.
Western Law Professor Robert Solomon is the recipient of The Kaiser Foundation’s 2010 National Award for Excellence in Public Policy. Solomon was selected by a National Advisory Board based on his record of outstanding achievement in reducing alcohol and other drug harm through effective public policy.

Solomon’s award was presented by the Hon. Deb Mathews, Ontario’s Minister of Health, at a ceremony held at Queen’s Park on June 9.

In his thank-you remarks Solomon noted, “The award is particularly meaningful because it recognizes individuals whose scholarship has had a real-world impact on reducing substance use deaths and injuries in Canada.”

Solomon, a faculty member at Western Law since 1972, has been Canada’s pre-eminent legal scholar in the field of substance abuse and impaired driving law and policy since the 1980s. As MADD Canada’s Director of Legal Policy, he is a tireless public advocate for legislative reforms to reduce alcohol-related deaths and injuries in Canada, particularly among young people.

The award is accompanied by a $10,000 grant to be donated to a charity. Solomon has asked for his award money to be split between My Sister’s Place, an emergency shelter for abused women, and MADD Canada.

The Faculty of Law at The University of Western Ontario will admit two Canadian Forces members this fall.

Corporal Chris Housser (British Columbia) and Captain Trevor Pellerine (Nova Scotia) will start classes at Western in September.

Housser was awarded the General Campaign Star for service in Kandahar, while Pellerine received a Canadian Forces’ Decoration and a Mention in Dispatches.

Pellerine is a member of the Royal Canadian Horse Artillery at CFB Shilo, near Brandon, Manitoba.

Western Law’s program provides Canadian Forces personnel being released for medical reasons with an opportunity to take a civilian legal education in recognition of their service.

“Western’s support has turned my situation into a very exciting opportunity,” says Pellerine. “This is a great offer, for which I am truly grateful.”

Law Dean Ian Holloway says he’s pleased to have both soldiers join the program.

“With their life experiences and the leadership skills acquired during their years of service, I am sure they will make a great contribution to both Western Law and the legal profession. We encourage all qualified Canadian Forces candidates to apply under this program.”

Western Law is pleased to welcome two new faculty members to the school. Adetoun Ilumoka is the Daryl T. Bean Professor in Law and Women’s Studies. A solicitor and advocate of the Supreme Court of Nigeria, she taught in the Faculty of Law at the University of Jos in Nigeria between 1984 and 1990 and has worked as a consultant on law and social justice and women’s health policy over the past 15 years. Her main research and teaching interests are in the area of Philosophy of Law, Human Rights and Feminist Perspectives on Law, focusing on historical and contextual understandings of law and their implications for global social regulation in the 21st century. Her current research is on the impact of colonialism on women’s land rights in Africa.

Professor Mohamed Khimji joined the Western Law faculty in January 2010. Prior to joining Western, he was a faculty member of the Schulich School of Law at Dalhousie University. Before working at Dalhousie, he practiced corporate law with Torys LLP in Toronto. His research interests lie in the areas of securities settlement systems, corporate law, and commercial transactions. He has served as a Research Assistant for the Bank of England’s Financial Markets Law Committee working group, analyzing the need for and nature of legislation relating to property interests in indirectly-held investment securities, was consulted by the Law Commission of England and Wales with respect to its project on Property Interests in Intermediated Securities, and was consulted by the Government of Nova Scotia with respect to the implementation of provincial securities transfer legislation.
Holding Court

On October 7 Western Law hosted a Ceremonial Sitting of the Ontario Court of Appeal as part of the faculty’s golden anniversary celebrations.

It was the first time the Court of Appeal has ever held a Ceremonial Sitting in a law school.

The Panel consisted of Justices Stephen Goudge, Kathryn Feldman, Eileen Gillese and Helen Rady ’81. Justice Gillese is a former Dean of Western Law (1996-99). Appearing before the Court were Dean Ian Holloway QC; former faculty member John Judson, representing the Middlesex Law Association and the Bar of London; Heather Ross ’85, representing the Law Society of Upper Canada; Dr Amit Chakma, President of The University of Western Ontario; and Student Legal Society president Ken Saddington.

Written submissions were made by the Attorneys General of Ontario and New Brunswick, and a letter of congratulations will be sent on behalf of the Supreme Court of Canada by the Rt. Hon. Beverley McLachlin, the Chief Justice of Canada.

JANUARY TERM BRINGS INTERNATIONAL SCHOLARS TO WESTERN LAW

The month of January brought more than just snow to campus; it also attracted legal experts from Canada and abroad to teach intensive month-long courses at Western Law.

The January Term, first introduced in 1999, provides upper-year students with an active learning experience and an opportunity to choose from a wide range of courses.

“The January Term program allows us to teach new courses in a vital and intensive way,” says Dean Ian Holloway. “It is a challenging and exciting part of our curriculum and we are honoured to have so many accomplished scholars and practitioners join us.”

Some of the specialized courses offered this term include: Law, Poverty and Justice; Judging; Legislative Drafting; Comparative Constitutional Law and Human Rights; International Labour Law; and Mining Law & Project Finance.
SIGNATURE SPEAKER SERIES

Nobel Prize winner delivers Beattie Family Lecture

George Akerlof delivered the 2010 Beattie Family Lecture in Business Law to a full house at Western Law on March 22. Akerlof spoke on the topic “Identity Economics”.

Akerlof is a professor of economics at the University of California, Berkeley and co-author of Identity Economics: How Our Identities Shape Our Work, Wages, and Well-Being.

His lecture explored how our identities are shaped by our economic decisions and behaviour. Akerlof argues that people’s identity, their conceptions of who they are, and of who they choose to be, may be the most important factors affecting their economic lives. And the limits placed by society on people’s identity can also be crucial determinants of their economic well-being.

The Beattie Family Lecture Series in Business Law was established by Geoff Beattie ’84, Western’s $500-million volunteer fundraising campaign chair, deputy chairman of Thomson Reuters and president of The Woodbridge Company Limited.

The 2009 Pensa Lecture in Human Rights

Justice Richard Goldstone delivered the third annual Claude and Elaine Pensa Lecture in Human Rights to an overflow crowd at Western Law on September 17.

The former Chief Prosecutor for the war crimes tribunals on Rwanda and the former Yugoslavia spoke on the topic “Accountability for War Crimes”.

Goldstone, a respected South African Judge, is known for his role as the chairperson of the 1991-1994 Commission of Inquiry Regarding Public Violence and Intimidation, which helped pave the way for the transition from apartheid to democracy in South Africa.

In April 2009 he was named head of the independent United Nations fact-finding mission to investigate international human rights and humanitarian law violations related to the 2008-2009 Israel-Gaza conflict. Goldstone focused the majority of his talk on that recently released report.

The report detailed extensive evidence that both Israel and Palestinian militant groups took actions amounting to war crimes and possible crimes against humanity. One of the report’s main recommendations is that Israel and the de facto government of Gaza should hold their own open, efficient and fair investigations of these alleged war crimes.

“They should do it themselves,” said Goldstone. “But if they don’t, then the United Nations Security Council should consider referring this matter to the International Criminal Court”. 

George Akerlof

Claude Pensa and Justice Richard Goldstone
Justice Rosalie Abella provided candid reflections on her work as Royal commissioner on employment equity when she delivered the 2009 Koskie Minsky University Lecture in Labour Law on October 30 at the University of Western Ontario. Abella treated her audience to a frank, humble, and often humorous account of her work as a one-woman Royal commission.

“When I look back on the Royal commission 25 years later, what I remember most about that whole experience is how much I didn’t know and how much I learned just by listening,” she said. “The faces that I saw 25 years ago all across Canada are still the faces that I see when I judge. For that experience alone I think I’m a completely changed person.”

In the early 1980s, the government was dogged by advocate groups calling for affirmative action efforts. Abella pointed out that by that time, the United States had affirmative action for 20 years. In Canada, francophones formed a quarter of the country’s public servants as a result of a similar initiative. As a result, the federal government appointed “the little commission that could.”

As Abella repeated throughout the lecture, the most important part of the report’s legacy is the need to be open-minded and listen to others.

“Each of us is limited by what we don’t know and by what the others don’t know,” she concluded. “With knowledge comes understanding. With understanding comes wisdom and with wisdom comes justice and to have justice we must never forget how the world looks to those who are vulnerable. I will never forget the people who taught me to see the world through their eyes.”

Philippe Sands delivered the 4th annual Claude and Elaine Pensa Lecture in Human Rights to a full house at Western Law on March 3.

Philippe Sands, a Professor of international law at University College London, and a regular commentator on the BBC and CNN, spoke on “Torture, Lawyers and Accountability”.

Sands is the author of Lawless World, in which he accused U.S. President George W. Bush and Prime Minister Tony Blair of conspiring to invade Iraq in violation of international law. His latest book, Torture Team: Rumsfeld’s Memo and the Betrayal of American Values, explores the role of American government lawyers in abetting torture.

The Pensa Lecture in Human rights was established in honour of the 50th anniversary of Claude Pensa’s call to the Ontario bar. Claude Pensa is the founder of Harrison Pensa LLP. He spent most of his active years in practice in the field of litigation representing clients in courts ranging from the trial division to the Court of Appeal and the Supreme Court of Canada.
SIGNATURE SPEAKER SERIES (continued)

Janice Gross Stein delivers CUSLI lecture

Renowned political scientist Janice Gross Stein delivered the third annual Canada-United States Law Institute (CUSLI) Distinguished Lecture at Western Law this past November. Her talk entitled “Religion in the public sphere” explored how the reassertion of religious consciousness in many facets of North American public life is having important implications for discussion and debate.

Janice Gross Stein is the Belzberg Professor of Conflict Management in the Department of Political Science and the director of the Munk Centre for International Studies at the University of Toronto. She is the co-author of the prize-winning *The Unexpected War: Canada in Kandahar* (with Eugene Lang).

The Canada-United States Law Institute was founded in 1976 to serve as a forum for exploration and debate about legal aspects of the Canada-United States relationship. The annual CUSLI Distinguished lecture was established and funded in 2007 by The University of Western Ontario to generate fresh thinking about the Canada-U.S. legal relationship.

DISTINGUISHED ALUMNI SPEAKER SERIES

Larry Rosen ’82, CEO of Harry Rosen Inc., kicked off Western Law’s Distinguished Alumni speaker series in September. Rosen spoke of the value of his business law education, and also featured a “Dress for Success” presentation sponsored by Harry Rosen Inc. and Lifestyles Women’s Wear.

On September 28 Major Rory Fowler ’04 provided a fascinating glimpse into his role in the military and career with JAG and his experience training legal officials in Afghanistan.

On February 9, David Cruickshank ’71 shared his expertise with his insightful talk “The Business of Law: Hot Topics and Emerging Trends in the Legal Profession.” Mr. Cruickshank is a partner at Kerma Partners in New York City, and provides professional advice to law firms and other services.
DISTINGUISHED SPEAKER SERIES

WESTERN LAW WAS HONOURED TO HOST THE FOLLOWING DISTINGUISHED SPEAKERS AT THE LAW SCHOOL THIS PAST ACADEMIC YEAR:

The Honourable Mr. Justice Harvey Brownstone delivered a candid talk on November 2 on the Family Court and the Family Justice System. Justice Brownstone is the author of Tug of War: A Judge’s Verdict on Separation, Custody Battles, and the Bitter Realities of Family Court.

On November 11 William Kaplan discussed his newly published book Maverick Lawyer: The Life and Times of Ivan Rand. Kaplan also spoke and answered questions on his earlier books on Brian Mulroney and the Airbus scandal.

On March 19, Elissa Golberg, an analyst on peace and conflict issues with the Department of Foreign Affairs, spoke on “The Rule of Law and Canada’s Engagement in Fragile States: Afghanistan and Haiti”.

Elissa Golberg served as Canada’s top diplomat in Kandahar, Afghanistan from February 2008 until January 2009. As the Representative of Canada in that region, she was involved in projects aimed at implementing the rule of law.

Chief Justice Warren Winkler spoke to Western Law students on March 24 on the topic of “Judicial Mediation: Reality v. Fantasy”.

Chief Justice Winkler was appointed to his present position in June 2007, following 14 years as a trial judge on the Superior Court. He practiced management-side labour and employment law during his years at the bar, and is well known for his interest in judicial mediation and reform of the rules of civil justice.

On March 26 we were pleased to host a visit of the Federal Minister of Justice and Attorney General of Canada, the Honourable Rob Nicholson. The Minister of Justice spoke with students on current legal/political themes involving the Justice portfolio followed by a Q&A session. Mr. Nicholson serves as the Member of Parliament for Niagara Falls.

Madam Justice Deschamps of the Supreme Court of Canada spoke at Western Law on November 26. Her talk entitled “Jumping at the Chance” was an insightful account of her life and career. Justice Deschamps was appointed to the Quebec Superior Court in 1990, to the Quebec Court of Appeal in 1992 and to the Supreme Court of Canada in 2002.

On February 11, Western Law hosted Professor Peter Hogg, Canada’s foremost legal scholar on constitutional law. Professor Hogg spoke on “Prorogation and the Power of the Governor General”, a topic that never goes out of fashion. He also talked briefly about some current themes in Canadian constitutional law.
ROSEMARY McCARNEY ’77, CEO OF PLAN CANADA, MOVES THE GLOBAL SOCIAL JUSTICE AGENDA FORWARD

ROSEMARY’S PLAN FOR THE FUTURE

BY DAWN MILNE
“I FEEL SO LUCKY EVERY SINGLE DAY THAT I GET TO DO THIS WORK BECAUSE YOU CAN ACTUALLY IMPACT PEOPLE’S LIVES AND MOVE AN AGENDA FORWARD.”

ROSEMARY ANNE McCARNEY ’77

"It was pivotal for me because, prior to that, I’d always had conservative guidance - you join a corporation, or you become this or you join that - and here was this man saying it’s really not like that if you try to do what you really want to do.”

After meeting Simpson, McCarney quickly left her law practice on Toronto’s Bay Street and took a consulting contract with CIDA in the mid-1980s.

“That was the start of a different career and I never looked back,” McCarney says.

In the next 10 years, she worked in about 60 countries as a consultant with the World Bank, the International Finance Corporation and various UN agencies to set up lending programs for micro-businesses in developing areas such as Africa, Asia, Latin America and the transitioning “East Bloc” countries, the Czech Republic and Slovakia. In addition to finding a rewarding career path, she found a love for Africa.

“Africa is a special place and the people of Africa don’t get portrayed in the way they deserve. They are smart, hardworking and optimistic in the face of all kinds of calamities,” she says. “Africans don’t want us to feel sorry for them because they don’t feel sorry for themselves. What they need is for us to roll up our sleeves and give them non-judgmental support.”

McCarney has dedicated her career to giving people in need that non-judgmental support. She’s now President and CEO of Plan Canada (formerly Foster Parents Plan), a non-profit international development agency that supports social justice for children in developing countries. Plan Canada also works with thousands of community-based organizations, non-profit agencies and local governments to create plans for sustainable communities and provide disaster relief. It is currently helping Haiti to rebuild following the January 2010 earthquake that ravaged the country.

“We have to bridge between the plight and the power of the local communities,” she says. “It’s not just about building a school, it’s about building the literacy and management skills needed to keep things going long term.”

Among her accomplishments, McCarney played a pivotal role in Plan’s expansion into Darfur. She also drives Plan’s Because I am a Girl campaign that advocates for girls’ rights.

Although McCarney seems to have found her calling in the non-profit sector, she has had a variety of work experiences. At times, she had to scale back her international work to raise her family. She’s married to Barry Fisher ’76, Vice President, General Counsel and Corporate Secretary of SAP Canada, and they have three children.

McCarney spent five years at Nortel (1995-2000) as vice-president of various departments – marketing, corporate social responsibility, employee engagement and communications. She also helped found and later was Executive Director of Street Kids International, a non-profit agency that helps street kids gain business skills and health knowledge.

Her first job upon graduation from law school was teaching American Criminal Law and Comparative Constitutional Law at the Canada-United States Law Institute at Case Western Reserve University School of Law in Cleveland. McCarney and her roommate, Dianne Haskett, were the first two Western students to participate in the exchange program there and McCarney was invited back to teach.

“I thought I was going to come back from the U.S. and follow a more typical career path but I jumped at the chance to go back to the U.S. I had always wanted a more internationally-oriented career path,” she says. “That’s what I appreciated about the law program at Western. It gave you more choices around law and your career.”

McCarney says her legal education also prepared her for some unexpected challenges.

“What the legal education at Western gave me was the ability to work my way through complex issues and situations.

You really are trained to be rational and analytical,” she says. “That helps whether you are negotiating to get needed supplies through conflict areas with war lords or negotiating microfinance policy with finance ministers.”

She encourages current Western Law students to keep an open mind about alternative options, pointing out how taking the road less travelled paid off for her with a rewarding career.

“If students are open to taking some career risk, when you step off the standard path, you never know where you’re going to end up,” she says. “I feel so lucky every single day that I get to do this work because you can actually impact people’s lives and move an agenda forward.”

For more information about Plan Canada visit http://plancanada.ca/
A fresh approach

BY KATHERINE LOW

DONALD B. SCHROEDER ’69, PRESIDENT AND CEO OF TIM HORTONS, BREWS UP CORPORATE SOCIAL RESPONSIBILITY AT HOME AND ABROAD

“If you find a job you love, you’ll never work again,” says Donald B. Schroeder, President and Chief Executive Officer of Tim Hortons. And no, he isn’t just saying that for the free coffee.

Schroeder graduated from Western Law in 1969. And he remembers well the professor who helped define his Western Law experience - Bill Poole. His words have stayed with Schroeder all these years: “He said that as a lawyer you’re going to be very busy,” Schroeder recalls Poole saying. “You’re going to work very long hours, but make sure you get a good work-life balance. He said that you haven’t lived until you’ve read a good book, heard a good piece of music, or seen a good play. So make sure you do all of those things.”

And it’s clear Schroeder kept those words close to his heart when making career choices. Although he originally wanted to be a criminal lawyer like Poole, after working in Hamilton after second year he took an interest in corporate commercial and tax law. Then in 1976 opportunity knocked. He met Tim Hortons co-founder Ron Joyce, and discovered a company that matched Poole’s philosophy. Schroeder says he “very quickly recognized what a great company and an opportunity it was” and he wanted to be a part of it.

Tim Hortons has launched coffee sustainability programs in Central and South America.
In partnership with two of his brothers, Schroeder became a Tim Hortons franchisee in 1978. From 1978 to 1990 he also continued to practice law in Hamilton. But he says he always knew he would not finish his career practising law, and he finally made the decision to join the Tim Hortons management team in 1991.

Schroeder credits his time at Western Law for many of the skills he uses today, even if he is no longer practising law. “I think a legal degree is a great base for anyone getting into business,” he says.

But it wasn’t just the business that attracted Schroeder to the company - it was the way Tim Hortons did business. “Community service is a very important part of the brand and it’s part of what sets Tim Hortons apart from our competitors,” he says. “We are very much a part of every community in which we are involved in Canada and the U.S.”

The Tim Horton Children’s Foundation was started because of Ron Joyce, who recognized the importance of corporate social responsibility. And after Tim Horton died in 1974, Ron Joyce started the foundation in his memory. The Tim Horton Children’s Foundation now runs six camps, hosting over 14,000 children a year, and will soon open two more camps. “In many cases, it’s a life-changing experience,” says Schroeder.

Tim Hortons also sponsors the Timbits sports league which enables more than 200,000 children to participate in sports programs. In addition, the business is involved with community clean-ups, as well as the “Smile” cookie program, which raised over $2,000,000 last year for local hospitals.

“The involvement of the company and our store owners with the Children’s Foundation has never been with a view to selling more coffee and donuts - it’s always been about genuinely giving back to the community in which you are involved,” Schroeder says. “People want to know that they are dealing with a business that does think about the community, that does think about the environment. Tim Hortons has been a leader in that way for many, many years.”

But the company’s corporate social responsibility isn’t focused only on its own communities: since 2005, Tim Hortons has been actively involved with sustainable coffee-farming initiatives in Guatemala, Colombia and Brazil. After coffee prices sank in 2000, Tim Hortons realized that farmers were abandoning their farms, which would create an ongoing problem for getting a good supply of coffee. So they decided to get involved. Together with the Neumann Kaffee Group of Hamburg, Germany, Tim Hortons has launched sustainability programs to ensure farmers can continue to make a living producing and selling coffee. Currently, more than 10,000 farmers and their families benefit from the program, which helps the farmers increase the quantity of coffee they produce, improve its quality and get it to market at the best time and for the best price - even if they elect not to sell their coffee to Tim Hortons.

“Historically a lot of coffee companies didn’t want the farmers to understand all this because they would have to pay them more for their coffee,” says Schroeder. “But today I think everybody understands the importance of helping these hard-working people make a better living from what they’re doing. Otherwise these farms are going to disappear. There is a growing demand for quality coffee, so everybody has to play a part to help them improve their standard of living.”

An additional program supported by Tim Hortons enables children in Guatemala to continue their education after grade six when government funded education basically disappears. There are currently 12 schools in operation with a separate program for grades seven through 10.

And while Tim Hortons doesn’t sell fair trade coffee, Schroeder says it’s because this program is like “fair trade plus.” Schroeder says the problem with fair trade is that not only do farmers have to pay a fee to register as a fair trade coffee farmer, but fair trade sets an artificial price for coffee with no relationship to its world price or its quality. “If it’s artificial, it’s not sustainable,” he says. “What we are doing is helping farmers become businessmen who are better able to compete properly.”

But while Schroeder has helped spearhead this program, his goal is for it to become an industry commitment, not just a Tim Hortons project. And he hopes that the cause will become just as important to Canadians as Tim Hortons itself. In fact, Canadians are so in love with the coffee that eight out of every ten cups of coffee poured outside the home in Canada are poured at a Tim Hortons, he says, while 40 per cent of the store’s customers come in more than four times a week.

“If Norman Rockwell were alive today and painting in Canada, he would paint inside a Tim Hortons store,” says Schroeder, “because it’s everyday Canada you see there.” And Schroeder knows first-hand that it’s everyday Canadians who can help make a difference.
DONNA KENNEDY-GLANS ’84 CREATES POSITIVE CHANGE FOR THE WOMEN OF THE MIDDLE EASTERN COUNTRY OF YEMEN

“It was the president of Yemen who looked me in the eyes and said, ‘Why are you quitting this company? You need to continue to do this kind of work that you’re doing. We need help in Yemen because we have educated our females in the last 10 years but we don’t know how to integrate them into the workforce.’”

Unless you’re Donna Kennedy-Glans ’84, chances are that you’ve never encountered this situation: a Yemeni government official beseeching you to continue your corporate work with a Canadian energy company because he sees the benefits to the women of his country.

So how does someone go from a childhood on a family farm in Southwestern Ontario to a conversation with a president in the Middle East?

“I came from a family farm where the name on the barn was my father’s, my grandfather’s... you get the picture...”

However, hers was a family that was “open to the possibility that I might want to do something that was different from what they did.”

Kennedy-Glans trained as a lawyer – she graduated from Western Law in 1984 - and her career trajectory evolved from law to corporate negotiations for Nexen, Inc., the large Canadian-based energy company that took her to the Middle East in the first place.

“I became a negotiator, and then I became responsible for above-ground risk management. In the energy sector, that’s community. What are your social accountabilities?

“What I did was stand in that space and try to get them all to one table and sort out the right questions they want to dig into, and strengthen those relationships.”
Like many students, Kennedy-Glans came to law school with a strong sense of justice and credits her legal education for shaping that sense of justice and directing it to action that has an impact.

“The profession of law teaches you to see the world from different perspectives and to put yourself in someone else’s shoes and there is no better training than that for someone working in the business of compassion.”

She strongly believes lawyers have an innate sense of the meaning of democracy and human rights and have a unique skill set to build bridges.

“I was doing corporate social responsibility in an oil company. You don’t have to leave a company or law firm or the private sector to do meaningful impactful work every single day. You don’t need to start a charity to make a difference.”

So it was not a big transition in 2001 to leave the corporate world (where she was Nexen’s first female vice-president) to continue to develop the capacity-building work she had started while working for Nexen in Yemen. In 2003, she founded Bridges Social Development (www.canadabridges.com), a volunteer organization that trains and mentors community leaders—both women and men—in health care, education, journalism, politics and law. Leaving Nexen allowed her to work more independently with a broader range of organizations, including non-governmental organizations and advocacy groups, who were trying to figure out what constructive engagement really looked like. “That wasn’t a big step out for me, because I was just applying the learning in a different space.”

“My work’s been ‘boots on the ground,’ and I think that’s where I learned a lot. I think that whole idea of making sure that there is true alignment between a head office strategy or a government policy and what’s happening on the ground is everything.” She’s passionate as she talks about what she does, and about the importance of integrity, the subject of her first book Corporate Integrity: A Toolkit for Managing Beyond Compliance, in her corporate and current work.

“What does integrity look like? Whether it’s gender integrity or organizational integrity or personal integrity – what do you intend, what do you commit to do, and what do you actually do? It sounds very simple, but I think it’s essential when you’re across the table from somebody else and you’re talking about a tough dilemma. You’ve got to be able to say, ‘This is my intention, here are my commitments, and here are my actions.’”

Facilitating capacity-building—bringing volunteer doctors, nurses and midwives, teachers, lawyers and judges, journalists, and politicians from the west to share and exchange expertise and insight with their professional counterparts in Yemen—has been, for the most part, rewarding. Kennedy-Glans enthusiastically calls it “quite wonderful.” Then she pauses and corrects herself: “..until recently, it’s been quite wonderful.” Until recently, when al-Qaida forces spread into Yemen.

“I struggled so much, dealing with the fact that a small group of people, hateful people, could disrupt a society so greatly... the impacts on the ground in a place like Yemen are absolutely shocking. I know a lot of people in a place like Yemen – I know them as friends, I know them as colleagues, I respect them, I admire the work they do. Watching what happened to them was devastating for me personally.” This was the catalyst for her second book, Unveiling the Breath: One woman’s journey into understanding Islam and gender equality. “I was writing because I had to deal with my response to those issues.”

So what keeps her, and the volunteers of Bridges, going?

“I’ve seen change. I have seen citizen leaders do amazing things. I believe that people can lead positive change through individual acts. You need government policy, and I think organizations, like companies, need to have strategies and visions that people can see and decide – or not – to participate in, but I think we often underestimate the gentle, small actions that take place within individuals.”

“And even though things can look a little bleak at times, what gives me the most hope in a place like Yemen, in a place like Canada, is people. People. Human capacity. It’s what we don’t spend enough energy on. Forget oil capacity, look at your human capacity.”

Kennedy-Glans’ newest project is Unveiling Youth Potential (www.unveilingyouthpotential.com), a program set in motion by Yemeni youth who came to Bridges when they saw al-Qaida in their country nearly two years ago. Working with these young people, and other youth from Canada and around the world, they facilitated 18 months of conversation about what outsiders can do to support at-risk youth in isolated communities. “It’s very exciting,” Kennedy-Glans says, but adds that the program is still growing, and there are many ways for new people to get involved. “We need mentors, we need support, we need funding, we need learning coaches, we need people who are committed to working with youth leaders who can be agents of positive social change in the communities where they live.”

And from there, perhaps it’s just a few steps until you’re talking to a country’s president...
OUT OF THE DARKNESS

BY SUSANNA EAYRS
"WE HELP MORE THAN 1,000 LAWYERS EACH YEAR FIND THE HELP THEY NEED... AS A RESULT WE SEE PRACTICES IMPROVED, RELATIONSHIPS AND CAREERS SALVAGED AND LIVES SAVED. IT'S VERY GRATIFYING."  

JOHN STARZYNSKI '74 REACHES OUT TO OTHER LAWYERS SUFFERING WITH ADDICTIONS AND MENTAL HEALTH CHALLENGES

John Starzynski is man who likes to get to the heart of the matter.

As a matrimonial law and litigation practitioner in his hometown of Oshawa, Ontario, Starzynski dealt within the realm of drama and emotion.

"I've always been drawn to the human element of law, he said. "I was a mediator before there were mediators. It was my goal to avoid trials and let people walk away with their dignity."

Starzynski opened his own law practice and eventually became President of the Ontario Association for Family Mediation.

"If I had not become a lawyer, I would have been a social worker. I believe strongly in helping others and solving conflict."

But while Starzynski was resolving problems for others, his own life was experiencing a haunting drama. He became seriously ill with late onset bipolar disorder (manic depression), spiraled into a health crisis and was hospitalized after a suicide attempt.

He stopped practicing law in 1990 and spent the next five years on a long road of self-discovery and recovery.

Starzynski felt devastated he was no longer “in the club.” He was told he would have to requalify to get his legal license back, but was not well enough to do so.

"A lawyer’s identity is so closely wrapped up in the profession,” he said. “When I couldn’t be a practicing lawyer anymore, I felt I had lost everything."

He received treatment at the Homewood Health Centre in Guelph, Ontario (where he eventually relocated) and through counselling, medication and talk therapy managed to get stable enough to start contemplating his future.

He eventually called the Law Society to ask what assistance was available for lawyers suffering with mental health issues.

"I was absolutely shocked to find out there was nothing available,” he said. They did however refer him to the Ontario Bar Alcoholism program and he found the group helpful.

"I discovered my feelings were similar to those struggling with addictions. I had the same inadequacies, isolation, and fear."

With Starzynski’s encouragement and financial aid from the Law Society and LawPro, the program expanded to help lawyers facing a variety of problems including stress, burnout, addictions, depression and mental illness.

Starzynski credits Malcolm Heins, then-CEO of Law Pro (a company that provides professional liability insurance to lawyers in private practice in Ontario), for being the driving force of this initiative. Heins saw it as an opportunity to not only help individuals but also to help the profession with loss prevention and reduce the number of lawyers who were being sued.

Starzynski became involved with what is now known as the Ontario Lawyers Assistance Program (OLAP) in 1995 as a peer support volunteer. He currently serves as its Volunteer Executive Director and is a tireless and passionate advocate of the Program.

OLAP offers confidential services to help lawyers, law students and their immediate families through professional counseling, peer support, assessment, resource information and referrals to specialized programs and centres.

“We help more than 1,000 lawyers each year find the help they need,” Starzynski says. "As a result we see practices improved, relationships and careers salvaged and lives saved. It's very gratifying."

Starzynski says there are “the myths about lawyers” that need to be dispelled, as these myths can create barriers to seeking help.

“Lawyers believe that they solve problems and that they can’t have them. They believe that if they reveal they have a problem, they will be seen as less than competent. We wrestle with this all the time.”

“We tell people that if you need help for addictions or mental health issues, please get it. But get it before you are in crisis and your world is falling down.”

OLAP’s mission is to promote a lifestyle of balance and wellbeing for all members of the legal profession and to prevent problems through early intervention.

"Pressure to succeed in the profession is huge; but we want people to know there is more to life than law. We all need a balance - nobody should have to suffer alone."

For more information about OLAP visit: www.olap.ca
Local non-profit organizations can benefit from a one-two punch provided by law and business students at The University of Western Ontario.

The PINSS Project (Pro Bono/Ivey NPO Support Services) was launched in 2009 and offers free consulting for organizations that are faced with issues that have both legal and strategic elements. PINSS is a partnership between Pro Bono Students Canada (PBSC) at Western Law and Ivey Connects, a student-run group at The Richard Ivey School of Business. A lawyer-mentor from PBSC and a faculty member from the Ivey Business School supervise the students.

“Many issues faced by non-profit organizations are complex and involve strategic and legal challenges,” says Sahil Zaman, Coordinator of Pro Bono Students Canada at Western Law. “By combining our expertise, we are able to offer a unique service that serves the practical needs of these organizations.”

In 2009-2010, PINSS students helped two organizations expand their reach. The Great Lakes Blues Society (GLBS) and Conservatory Canada.

GLBS wanted to bolster its financial position to better serve its mandates of promoting blues music in elementary schools and blues music shows in London. PINSS students informed GLBS of the possible implications of incorporation, pursuing charitable status, and possible ways of increasing membership as well as non-dues income. The society was impressed with the depth and quality of both the legal and management report.

The students assisted Conservatory Canada with their plans to expand their music training programs to other jurisdictions. The situation was rife with legal and strategic issues, but the students were up to the complex task. “The experience was 100% positive for our organization,” said Victoria Warwick, Conservatory Canada’s Executive Director. “The students from both the business and legal side were insightful, providing useful information that was delivered with professionalism. Our Board of Directors was impressed with how quickly they ‘got it!’”
THE SPORT SOLUTION CLINIC
ON THE FRONT LINES OF ADVOCACY

The Sport Solution is a free legal service offered by AthletesCAN and Western Law to Canadian national team members. Run by Western Law students and program managers Dan Strickland and Jonathon Barnett, it is the only program of its kind in North America.

Established in 1992, AthletesCAN is the collective voice of Canada’s national team athletes. The organization was founded to fight for athletes’ rights at a time when athletes did not have a say in important decisions that affected them.

“While advocacy continues to be a mainstay, the organization has expanded its scope of services to provide leadership training opportunities and support services for athletes. It is designed to build future leaders, offset the cost of living and enable athletes to focus full time on their sport,” says Andrew Nisker ’07, President of AthletesCAN.

“The Sport Solution program is on the front line of our advocacy work for athletes and remains one of our core services in our quest to ensure a fair and equitable sport system and build a stronger sport culture in Canada,” he adds.

The program helps athletes understand the legal aspects of sport. “Amateur sports are becoming more and more commercialized. Athletes are required to sign 80-90 page athlete agreements which cover everything from training requirements to the use of the athlete’s image,” says Strickland. “We help athletes understand these contracts and ensure they don’t sign anything they shouldn’t.” The program also helps athletes understand funding and discipline issues, anti-doping rules and the appeal process.

“It’s a really rewarding experience,” says Barnett. “I am very grateful to have the opportunity to do what we do here at the clinic.”

WESTERN BUSINESS LAW CLINIC
HELPS LAUNCH DREAMS

For Chris Hanz and George Klein, the recession could not have come at a better time. The two entrepreneurs launched their renewable oil company, Orontas, in March 2009, just as global markets bottomed out. What appeared to be a dire situation turned into a great opportunity, as Orontas began introducing environmentally friendly oil products to businesses that were in the midst of re-thinking their models.

“The only reason Orontas exists is because of the recession,” says Klein, a 1996 Western Philosophy graduate.

The recession did not clear the many other obstacles facing a new company – notably steep legal bills. “When you look at our business plan or our strategy, the major barrier to entry is legal costs,” says Klein.

That is where the Western Business Law Clinic stepped in. Staffed by law students, the clinic offers affordable legal services to new and small businesses in Ontario, including Orontas. The Clinic’s Director is Richard McLaren, a law professor with extensive practical experience as a commercial lawyer.

“The Clinic gives students what they crave – practical experience,” says John Mather, one of the clinic’s 2010-11 student directors. “In return, small businesses receive valuable legal assistance that would otherwise cost them thousands of dollars.”

Local lawyers generously mentor the Clinic’s students throughout the year, allowing the Clinic to offer the best possible services, from incorporations to contracts to liability assessments.

That service, Hanz says, is impressive. “As a start-up we received much more enthusiasm and attention to detail from the Clinic than we had experienced with traditional law firms.”

Other clients share the sentiment. “The quality of work that I get back is superb,” says Bryan Getchell, who provides sociodemographic research with his firm Transformit Inc. “There is always a need for the community to provide start-up resources. The Clinic does that.”

Mather says he and co-director Gordon Cassie hope to expand this role. “We are here to help businesses that cannot afford big legal bills but are driven to be productive members of the local business community.”
COMMUNITY LEGAL SERVICES CONTINUES TO GROW

As Community Legal Services (CLS) celebrates its 40th year, it is pushing forward into new areas of law.

Intellectual property law has been added as a pilot project in addition to the existing areas of law, which include Criminal, Landlord and tenant, Small Claims Court and consumer law, Wills and powers of attorney, Mediations, Academic appeals, Immigration (students only) and Public legal education.

The intellectual property project is part of a research grant obtained by Professors Margaret Ann Wilkinson and Mark Perry. Guidance and advice are being offered to clients by students under the supervision of CLS Director Doug Ferguson.

Jason Voss has earned the respect of the bench and bar with criminal cases.

Margaret Capes has done outstanding work in landlord and tenant law and public legal education. CLS has one of the largest public legal education programs in Canada thanks to her efforts.

Sue Latta has quickly established a busy immigration practice for graduate students and post-docs seeking permanent residence or skilled employee status.

Deanna Harris just finished a term as the first articling student in CLS and with her call to the bar is handling mainly criminal cases.

The CLS team set a goal of becoming the best student legal clinic in Canada. It just might have made it.

DISPUTE RESOLUTION CENTRE IMPLEMENTS INAUGURAL PROGRAM

The Dispute Resolution Centre (DRC) at Western Law enjoyed tremendous growth in the 2009-2010 academic year.

The DRC designed and implemented its inaugural Certificate Program in Community Mediation. In September eight students from Western Law were selected as Student Interns at the DRC. The Interns participated in weekly community-based mediation training sessions consisting of mock mediations, with supervisory feedback provided at the end of each session. In addition to this hands-on experience, each intern was responsible for running a community file. These files included providing seminars in alternative dispute resolution for students on campus and assisting troubled youth to communicate more effectively with those around them. Interns were responsible for conducting intake phone calls and for setting up live mediations as requested by citizens from the community.

Law student Jaime Bell (right) of the Dispute Resolution Centre

The DRC also designed and implemented its first weekend training course in community-based mediation. This one-day intensive training seminar allowed students from the faculty of law to learn the fundamental skills and basics of conducting an interest-based mediation. The course was taught by the Student Coordinators and Interns at the DRC, and the students responded extremely well to this peer-to-peer learning environment.

Alternative Dispute Resolution is becoming an undeniable reality in the litigation process. Community Legal Services and the Dispute Resolution Centre provide opportunities for students to become comfortable with the skills necessary for new lawyers to respond to this new reality.
VALERIE OOSTERVE LD REVIEWS IMPACT OF THE INTERNATIONAL CRIMINAL COURT

Western Law professor Valerie Oosterveld is passionate about the role the International Criminal Court (ICC) plays in making the world a safer place through solutions to increased global stability.

“Holding high-level officials accountable for their genocidal and other actions does three things,” says Oosterveld. “It removes those officials from their power base and reveals their crimes; it sends a message to others that they may be held accountable for similar actions; and it allows countries to rebuild, bringing more stability and security to the affected countries, their regions and globally.”

This past June Oosterveld served on the Canadian delegation at an international diplomatic conference that met near Kampala, Uganda, to review the Rome Statute, the treaty that established the ICC.

Oosterveld (along with three other Canadian legal academics) was awarded a two-year standard Social Sciences and Humanities Research Council (SSHRC) grant of $70,736 to attend the ICC Review Conference and analyze its impact and consequences.

Two members of the SSHRC team – Oosterveld and John Currie of the University of Ottawa – were asked to be academic advisors on the Canadian delegation. The other two, Joanna Harrington of the University of Alberta and Darryl Robinson of Queen's University, attended as civil society representatives, ensuring a variety of perspectives and experiences.

“The Review Conference looked at how the ICC has contributed to international justice over the past 12 years,” says Oosterveld. “Being part of the conference gave us a great opportunity to really understand the countries' position on the issues.”

One of the key amendments to emerge from the conference, notes Oosterveld, will enable the ICC to hold state leaders personally responsible for waging illegal war, or the “crime of aggression.”

“At present, no international judicial forum holds such power,” she says. “The International Court of Justice in The Hague is designed to address state-to-state disputes and questions of state responsibility. And while the ICC focuses on individual criminal responsibility, to date it has only been empowered to prosecute crimes of genocide, crimes against humanity, and war crimes.”

As well as looking into the crime of aggression, the Rome Statute Review Conference also centered on analyzing the success and impact of the ICC on victims and affected communities.

Oosterveld reviewed the conference from a gender perspective and analyzed the impact of the ICC on the lives of women and girls affected by armed conflict.

Oosterveld says the conference provided an excellent forum in which Court and ICC supporter states discussed where their actions have been successful and unsuccessful in the past. It also allowed for creative thinking about the future.

“One interesting development was the commitment expressed several times by the delegation of the United States – a state which has not ratified the Rome Statute and which has, in the past, been quite hostile to the ICC – to assisting the Court where and when possible.”

What does Oosterveld say to those who claim the ICC is a “toothless tiger”?

“We need to remember international criminal law is a slowly evolving and maturing phenomenon,” she says. “The ICC is still relatively new. Even though it is young and hampered with weaknesses – it does not have its own police force and depends on state cooperation to effect arrests – it has already had a positive impact.

“At the conference, the United Nations Secretary-General rightfully noted the ICC, as a permanent court, is ‘increasingly powerful, casting a long shadow.’ Imagine the Court’s potential impact 10, 20, 50 years from now.”
ANALYZE THIS
THE HISTORY OF BANKRUPTCY

BY SUSANNA EAYRS

WESTERN LAW PROFESSOR THOMAS TELFER ’88 TAKES A HISTORICAL APPROACH TO ANALYZING BANKRUPTCY LAW IN CANADA
Professor Thomas Telfer has a passion for history and he uses that keen interest in his research work, which traces the evolution of Canadian bankruptcy law over the past 150 years.

An alumnus of Western Law (class of ’88) and a professor at the school since 2002, Telfer has spent his career researching, writing and teaching in the area of bankruptcy and insolvency law. He has been a visitor at the University of Toronto, the University of Auckland and Victoria University of Wellington. In the fall he will be a Visiting Professor at Osgoode Hall Law School where he has been invited to teach Bankruptcy Law.

He has published numerous articles on insolvency law and secured transactions in significant academic law journals and books of essays. His publications have been cited by Canadian courts including the Supreme Court of Canada.

Telfer is the co-author of Bankruptcy and Insolvency Law: Cases, Texts and Materials (2009) and has recently been invited to contribute a co-authored article on consumer bankruptcy to the Canadian Business Law Journal to mark the 40th anniversary of the Commercial and Consumer Law Workshop.

His work also extends to law reform. He’s the author or co-author of several commissioned reports (including two for the Uniform Law Conference of Canada) covering the topics of the Winding-Up and Restructuring Act, Bankruptcy Exemptions and the federal Interest Act. In 2003, he testified before the Senate Standing Committee on Banking, Trade and Commerce as part of a joint academic submission on insolvency reform.

The recent financial crisis, the surge in corporate failure and rising numbers of consumer bankruptcies have thrown a spotlight on bankruptcy and insolvency law research. Many of the questions raised today about consumer bankrupts are not new.

Telfer has a unique vantage point: he is the only Canadian academic writing on the history of bankruptcy law in Canada.

“While there are several books and articles covering the history of bankruptcy law in the United States and the United Kingdom, it’s a subject area largely ignored by Canadian historians,” he says. “I would argue that the socio-economic history of late 19th century and early 20th century Canada cannot be fully understood without examining the role of bankruptcy legislation and how it sought to manage the question of debt, debtors and the competing interests of creditors.” He further adds, “an understanding of current bankruptcy policy is best understood in light of its history.”

He is currently working on a monograph for the University of Toronto Press entitled From an Evil to a Commercial Necessity: Bankruptcy Law in Canada from 1867 to 1919.

In his historical work, Telfer analyzes the factors and forces that led to the repeal of short-lived 19th century bankruptcy legislation in 1880 and the debate that followed as Parliament sought to re-establish a national bankruptcy law. These efforts culminated with the enactment of the Canadian Bankruptcy Act of 1919. Why it took nearly 40 years for the federal government to re-assert its jurisdiction over bankruptcy and insolvency law is the central question of Telfer’s study.

One of the major themes Telfer explores is the issue of debtor responsibility.

“The moral obligation to repay all debts became part of the public discourse and was a major preoccupation in the mid to late 19th century Canada,” he explains.

“Many simply assumed that if you were in debt, you were a bad person, you were immoral and you were not entitled to a bankruptcy discharge. Debtors often internalized the stigma of bankruptcy and debt with guilt driving them to the United States.”

Telfer is also interested in understanding the influence of interest groups, institutions, and ideology on changing patterns of bankruptcy law and the cultural, political and institutional ideologies leading to reform.

“The public and politicians were divided over the key ideas underlying bankruptcy policy,” explains Telfer. “In the 19th century the debate was not so much about how to improve the law but whether to have a bankruptcy law at all.”

“Interest groups such as the banking industry, the farming community and debtors were in favour of new legislation but institutional barriers such as the federal/provincial division of powers impeded legislation in this area for a long time. Other institutional factors contributing to the unpopularity of the law included the incompetence of Official Assignees who administered insolvent estates and sympathetic courts which did not consistently apply the law.”

Bankruptcy law did not re-surface as a national issue until just before World War I. By that time, many people had begun to see the flaws in the diversity of provincial legislation that had sought to fill the gap created by the absence of a national law.

“By 1919 the war had intervened and there was a major shift in thinking. There was a recognition that a bankruptcy discharge was an essential form of business regulation and that replaced the notion that there was a moral obligation to pay all debts,” Telfer explains.

His next project will analyze bankruptcy and insolvency law during the era of the Great Depression. This will include a study of the origins of the Companies’ Creditors Arrangement Act (CCAA), Canada’s main corporate restructuring tool.

“I’m interested in the evolution of this Act, why it was brought into force during the Depression of the 1930s, and about the nature of the reforms,” he says.

“As a legal historian my interest does not focus so much on the interpretation of a statute, but asks why the law is there in the first place. To me that is a lot more rewarding.”
Public Law and Legal Philosophy

THE COXFORD LECTURE SERIES IN PUBLIC LAW
New York University Law and Philosophy Professor Jeremy Waldron delivered the 2009 Coxford Lecture entitled “Cruel, Inhuman and Degrading Treatment: The Words Themselves” at Western Law on November 12.

The Coxford Lecture at Western Law is made possible by a generous gift from Stephen R. Coxford ’77, Vice-Chair of Western’s Board of Governors.

Waldron challenged students and academics gathered in the audience to engage in “scrupulously objective” analysis when interpreting torture provisions.

Although many are familiar with the concept of cruel and unusual punishment, which appears in Canadian and U.S. law and can be traced to the English Bill of Rights, the language of cruel, inhuman and degrading treatment is prominent in European jurisprudence and international agreements such as the United Nations Convention Against Torture. Waldron encouraged his audience to pay close attention to the words chosen by legislators rather than use them interchangeably.

“Terms like ‘cruel’, ‘inhuman’ and ‘degrading’ actually have integrity of their own and they have work of their own to do which requires an understanding of their specific and distinct meanings,” he said.

At the same time, these words are inherently indeterminate. They are standards rather than rules and require interpreters to make value judgments. Noting the stigma sometimes associated with such judgments, Waldron encouraged the lawyers in the room to make an intellectually rigorous effort in each case to avoid an overly rigid approach to the law.

Professor Jeffrey Goldsworthy will deliver the third annual Coxford Lecture on Wednesday, November 24, 2010. Professor Goldsworthy is the leading public law authority in Australia and is President of the Australian Society of Legal Philosophy.

“WE HAVE HAD A GREAT YEAR, HOSTING SOME EXTRAORDINARY SCHOLARS AND DELVING INTO SOME OF THE MOST PRESSING ISSUES OF THE DAY – EVERYTHING FROM POLYGAMY TO PROROGUING PARLIAMENT

PROFESSOR BRADLEY MILLER
**RESEARCH GROUP LAUNCHED**

A new research group housed at Western Law aims to deepen the understanding of issues related to public law (particularly constitutional law) using the resources of constitutional theory and moral, political and legal philosophy. The Public Law and Legal Philosophy Research Group encourages and facilitates interdisciplinary research at the intersections of public law and philosophy, and is bringing leading international scholars to Western Law to participate in symposia and roundtables and to teach courses. The group, established by Professors Grant Huscroft and Bradley Miller, includes Professors andrew Botterell and Margaret Martin. Professor Miller is excited by the possibilities: “We have had a great year, hosting some extraordinary scholars and delving into some of the most pressing issues of the day - everything from polygamy to proroguing Parliament,” he says. “We are looking forward to another great year, with visits by Professors Frederick Schauer and Jeffrey Goldsworthy, among others, and some in-depth work on proportionality in human rights law.” The Research Group’s website is www.law.uwo.ca/publiclaw

**FINNIS ON MORAL FOUNDATIONS OF LAW**

Renowned legal philosopher Professor John Finnis of Oxford University conducted a week-long intensive course at Western Law in March. In his seminar, “The Moral Foundations of Law”, Professor Finnis took students, faculty and visiting judges on a guided tour of moral, political, and legal philosophy. Finnis masterfully deployed ancient Greek and medieval philosophy on contemporary issues such as legal paternalism, natural law and legal positivism, and the authority of law. “It was an honour to have Professor Finnis teach this course at Western Law prior to his retirement from Oxford University,” said Professor Grant Huscroft. In addition to his seminar, Finnis also participated in a public forum on the legal and philosophical considerations related to the criminalization of polygamy, and a faculty roundtable on freedom of religion with longtime collaborator and co-author, Professor Joseph Boyle of the University of Toronto.

Finnis is the author of *Natural Law and Natural Rights*, one of the leading works of legal, moral, and political philosophy of the last century. Oxford University Press is publishing a five-volume series of Professor Finnis’ work in 2011.

**PREEMINENT SCHOLARS SERIES HOSTS TOP ACADEMICS**

The Public Law and Legal Philosophy group introduced a new course called the Pre- eminent Public Law Scholars Series in 2009-10. The series brought six leading international scholars to Western Law to discuss and debate their current research.

**Professor Christopher McCrudden** of Oxford University delivered a lecture on his paper “Human Dignity and Judicial Interpretation of Human Rights”.

**Professor Jeremy Waldron** of New York University spoke to his paper “Headscarves, Extreme Speech, and Democracy”.

**Professor David Dyzenhaus** of the University of Toronto presented his paper “Beyond the Holistic Constitution”.

**Professor Neil Walker**, the Regius Chair of Public Law and the Law of Nature and Nations at the University of Edinburgh, presented his paper “Beyond the Holistic Constitution”.

**Lawrence Solum**, the John E. Cribbet Professor of Law and Philosophy at the University of Illinois, conducted a class on his “Semantic Originalism” theory.

**Professor Aileen Kavanagh** of Oxford University addressed the legitimacy of judicial review in a paper entitled “The Courts and Democratic Scepticism”.

(I-r) Andrew Botterell, Margaret Martin, Grant Huscroft, Jeremy Waldron and Bradley Miller
THE TRUE NORTH LOOKS SOUTH

WESTERN LAUNCHES CANADA-U.S. INSTITUTE

BY PAUL MAYNE

Amit Chakma
A newly established institute at The University of Western Ontario will hold a mirror up to the legal, social, economic and political linkages between Canada and the United States.

Those shared and conflicting values and policies, and how they affect both countries, will be at the heart of the recently launched Canada-U.S. Institute. The Institute is the first of its kind in Canada dedicated solely to the study of the relationship between the United States and Canada, one of the closest and most long-standing relationships between any two states in the globalized world.

The Canada-U.S. Law Institute (CUSLI) at Western Law will be a major player in the new Institute along with The Centre for American Studies, The Lawrence National Centre for Policy and Management at Ivey, and the faculties of Arts & Humanities and Information & Media Studies.

“Despite criticisms we often launch at our neighbour, geography, history and the economy will never allow us to escape this relationship, so we must understand what makes the U.S. tick,” says Abelson. “The Institute will also help us understand how Canada can best advance its own national interests.”

Research, policy and education are the goals of the Institute, with a focus on the political, economic, legal, cultural and historical dimensions of the Canada-U.S. relationship. A centre for public opinion and voting behaviour will also be developed at the institute.

Experts from other universities in Canada and the U.S., as well as abroad, will be invited to join the institute as visiting fellows. The Institute was formally launched in April at an event at the Canadian Embassy in Washington D.C.

Western political scientists Laura Stephenson and Cameron Anderson presented the first research under the auspices of the Institute. Their paper entitled “Moving Closer or Drifting Apart?: Assessing the State of the U.S.-Canada Relationship” focused on the perceptions and attitudes of Canadians toward the U.S. and American attitudes toward Canada.

Abelson credits Western President Amit Chakma for his vision for the institute. Chakma believes there are great opportunities ahead for Western to place its stamp on the world, and it all begins with internal, national and international collaboration.

“Western already has broad and deep expertise in a number of aspects of the Canada-U.S. relationship,” says Chakma. “The Canada-U.S. Institute will allow us to harness this knowledge, to advance it, and to showcase and share it nationally and around the world.”

“We’ll not just assign specific research to single faculties, but rather we will identify themes that are important and enduring such as international environmental cooperation, international human rights and international trade. Then we will bring together people who can offer different perspectives on these themes.”

CUSLI serves as a forum for governments, business leaders, scholars and others to examine and resolve the legal issues confronting the Canada-United States relationship.

“CUSLI is excited to be part of the new Canada-U.S. Institute,” says Western Law Professor Chi Carmody, CUSLI’s Canadian Director.

“While CUSLI will continue to emphasize legal aspects of the North American relationship in its activities, we look forward to working with the Institute to analyze and highlight Canada-U.S. issues across a broad range of areas.”

Western Law alumnus Jim Peterson '64 and James Blanchard, former United States Ambassador to Canada, have been appointed the new co-chairs of CUSLI.

Peterson, who has served as Minister of International Trade and Secretary of State (International Financial Institutions), says CUSLI and the new Institute will work well together to “help foster a deeper understanding of this very important relationship with our key trading partner.”

Prof. Don Abelson, director of Western’s Centre for American Studies, is co-coordinating the formation of the new Institute.

THE CANADA-U.S. LAW INSTITUTE AND THE NEW INSTITUTE WILL WORK WELL TOGETHER TO HELP FOSTER A DEEPER UNDERSTANDING OF THIS VERY IMPORTANT RELATIONSHIP WITH OUR KEY TRADING PARTNER. HONOURABLE JAMES PETERSON ’64
The debate surrounding the teaching of legal ethics is not new – Canadian law schools have been teaching ethics classes in some capacity for over 30 years. But experts in the field argue that it is an often-overlooked yet critical component of a legal education.

At a recent conference, Western Law Professor Stephen Pitel emphasized that all law schools should make legal ethics education compulsory because it is “unreasonable to suggest that ethics is any less fundamental an area of study than existing mandatory courses such as torts or contracts.” He disputes the idea that ethics can be solely taught implicitly through other required courses in law school, and says that employers are keen to start hiring students who already have a basic understanding of their ethical obligations.

Western Law was the first law school in Canada to create a mandatory Legal Ethics and Professionalism course for all first-year students, which it introduced in 2005.

“Western led the way,” says Dean Ian Holloway. “Thanks to the efforts of Professors Randal Graham and Stephen Pitel and with assistance from LSUC bencher Heather Ross, we established the very first such course.”

But what is happening now?

Since then, the Federation of Law Societies of Canada has released a report, now endorsed by all provincial legal regulators, which calls for all Canadian law schools to have a mandatory and separate course in legal ethics and professionalism.

“We were ahead of the curve on legal ethics education in Canada,” says Pitel.
Western Law was the first law school in Canada to create a mandatory legal ethics and professionalism course for all first-year students, which it introduced in 2005.

But to stay at the forefront, Pitel says that Western Law must continue to review and amend its offerings to students and provide new opportunities for them to study and practice ethics. This past April, Western Law developed a new advocacy competition in legal ethics and professionalism.

“It was a real chance for the students to engage in a practical way with the content of the rules related to legal ethics,” says Pitel, who helped organize the competition.

“We were impressed that an important firm like Lenczner Slaght Royce Smith Griffin LLP was taking a leading role in supporting ethics at Western,” says Randal Graham, who helped judge the event.

And thanks to a new gift from Goodmans LLP, Pitel and Graham will hold the inaugural Faculty Fellowships in Legal Ethics. The Fellowships will support faculty research, student researchers and materials for students in the first-year Legal Ethics and Professionalism course.

“The fact that one of Canada’s leading business law firms is sponsoring research into legal ethics and encouraging legal education is huge,” says Graham, who also teaches Western Law’s first-year Legal Ethics and Professionalism course. “It sends a message to the public that Canada’s top business lawyers do take legal ethics seriously.”

Along with the mandatory first-year course, Western Law also offers an optional upper-year seminar. In order for Western Law to continue as a trailblazer in the field of legal ethics and professionalism education, Graham hopes to see additional seminar courses available to upper-year students in the future. Graham also provides research opportunities for students interested in advanced study in legal ethics.

Graham says that although students were initially sceptical about the addition of a new course to the first-year curriculum, recent class evaluations make it clear that students have now fully embraced the Legal Ethics course.

Pitel attributes the success of the course to its professor. “To ensure students are instilled with a proper understanding of the responsibilities and duties of a law professional, the individuals from whom they are learning these qualities must seek to embody and exemplify them,” he says. “Instructors of legal ethics have a responsibility to model the kind of behaviour – for example, civility, courtesy, professionalism etc. – that a legal ethics course is meant to foster in students.” And he thinks Graham is the right person for the job.

“The success of the program has so much to do with the enthusiasm with which [Graham] teaches the course, and how good he is at teaching,” Pitel says.

“I’m not Pastor Graham, I’m not Rabbi Graham, I’m Professor Graham,” Graham says. “I’m not here to teach students to be moral ... If you’re a moral person, you’re going to be a moral person, and if you’re an immoral person, I’m probably not equipped to change that. What I can do is equip students with an appreciation and understanding of the ethical rules and policies relevant to the practice of law.”

Pitel and Graham have become important members of a burgeoning group of legal ethics professors across Canada. Both are working diligently in the field and Pitel’s most recent work will appear in an upcoming collection of essays, On Being a Lawyer, to be published by Irwin Law Inc., while Graham has written a second edition of his book entitled Legal Ethics: Theories, Cases and Professional Regulation, published by Emond Montgomery Publications, to be released within the next year. The first edition is already mandatory reading at several Canadian law schools.
A Golden Celebration

HUNDREDS CELEBRATE AS WESTERN LAW TURNS 50

To view more photos from the 50th celebration visit www.flickr.com/photos/atwestern/sets/ and select the Western Law 50th folder

1. Beryl Theobald, Jay Carfagnini ’80, David Mongeau ’80, Dale Ponder ’80, John Peller ’80 and Karen Trimble ’80
2. Rob Fonn ’01 and Shauna Silver Fonn ’03
3. Peter Fenton ’04, Ontario Attorney General Chris Bentley and Mitch Frazer ’99
4. Professor Craig Brown, Gail Lilley ’78
5. Perry Dellelce, Partner, Wildeboer Dellelce LLP and Dean Ian Holloway
6. Rick Morelli ’95, and Stephanie Vescari ’95
7. Ron Schmeichel ’95, Arlene O’Neill ’93, Susan Kelly ’94 and Reena Bhatt ’94
**IT WAS A NIGHT TO REMEMBER.**

Alumni from the past five decades, current students and faculty, former Deans and professors mingled and relived memories at a lively cocktail reception held at the grand Imperial Room at the Fairmont Royal York in Toronto on April 29.

“It was a great night,” said Mitch Frazer ’99, chair of the event. “We’re thrilled nearly 450 people came out to enjoy the party, reconnect with Western and show support for the law school. It was truly a memorable occasion.”

Dean Ian Holloway, Ontario Attorney General Chris Bentley and Amit Chakma, President of The University of Western Ontario, all reflected on the school’s proud history.

“We’ve grown from a small regional school in the early 1960s to one that sees successful graduates spanning the globe. We can all feel truly proud of how far we have come,” said Western Law’s dean, Ian Holloway. “It’s a great tribute to have so many of our wonderful alumni all celebrating this special anniversary together.”

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**WESTERN LAW THANKS THE FOLLOWING SPONSORS FOR THEIR GENEROUS SUPPORT OF THE EVENT.**

**PRESENTING SPONSORS**
Avlington,
David and Rose Mongeau, Computershare/Georges, The Fairmont Royal York and Wildeboer Dellelce LLP.

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Torys LLP and ZSA Legal Recruitment.

**PURPLE SPONSORS**
Bogoroch & Associates LLP,
Cassels Brock LLP,
Jay Carfagnini and Karen Trimble.
Some of Canada’s greatest legal minds gathered at The University of Western Ontario on March 4 to settle a loan dispute. The creditor was summarily convicted of attempted murder in a trial without due process, then forced to give up most of his wealth and even his religion.

This wasn’t a case from modern day Canada, though; the creditor was Shylock, and Shakespeare imagined his predicament more than 400 years ago. His sentence, which was passed in Act IV, Scene I of *The Merchant of Venice*, was appealed in Conron Hall in front of more than 200 people.

The judges included Justice Ian Binnie of the Supreme Court of Canada, Justice Eileen Gillese of the Court of Appeal for Ontario, General Director of the Stratford Shakespeare Festival Antoni Cimolino, Professor James Purkis of the UWO Department of English, and legal journalist and author Jeffrey Miller.

Earl Cherniak represented Shylock (played by first year Western Law student Irfaan Premji), while Ontario’s Attorney General Chris Bentley dramatically argued the case for Antonio (the ‘merchant’ of the play’s title).

The case throws up some complex legal questions (What about judicial independence? Can we enforce a contract that involves the death of one party? Is Antonio contributorily negligent for failing to insure his ships?) which were considered when this novel idea was first staged at the Cardozo School of Law in New York.

Our event was the first time the appeal had been staged in Canada, and formed the centrepiece for Western Law’s 50th anniversary celebrations. Professor Stephen Pitel and stage manager Tigger Jourard, along with the play’s actors, director and the student clerks, worked hard to make sure everything was seamless.

Although Justice Binnie dismissed Shylock’s appeal (mostly for delay), it was more about taking part than winning. With a post-event reception sponsored by Cohen Highley LLP, litigants and counsel alike were able to put their differences aside over drinks and nibbles – which included a pound of flesh.
IT WAS A GOLD MEDAL NIGHT FOR RICHARD McLAREN.

Alumni, faculty, family and friends celebrated the newly created Richard H. McLaren Visiting Professorship in Business Law at a gala reception held at the Hockey Hall of Fame in Toronto on November 5.

Professor McLaren was lauded for his inspirational teaching and for his numerous accomplishments, including his work as an arbitrator in five Olympic Games and numerous anti-doping disputes for both amateur and professional organizations.

Tom Harrington, sports reporter for CBC News and Master of Ceremonies for the evening, Western President Amit Chakma, Dean Ian Holloway, Bill O’Reilly, former Managing Partner of Davies Ward Phillips and Vineberg, and Jay Carfagnini ’80, Partner at Goodmans LLP, all spoke eloquently about McLaren’s distinguished career and dedication to his students.

Davies LLP, which donated $300,000 to the Professorship, and Goodmans LLP, which gave $100,000, were recognized for their major gifts. Also thanked were the many alumni and friends who generously donated to this project.

As a member of Western’s law faculty since 1972, McLaren helped establish the Western Business Law Clinic, the Dispute Resolution Centre and the Sport Solution Clinic, and has been an exceptional teacher and role model to hundreds of students known as ‘McLarenites’.

“Davies is proud to be a part of this important initiative and to support the continued development of Western’s outstanding business law program,” said Bill O’Reilly.

“Rich McLaren has been a great mentor to so many students over the years,” said Jay Carfagnini. “He has contributed immeasurably to the legal community and his impact has been felt both professionally and personally.”

1. Greg Southam ’96, Richard McLaren ’71 and Michael Lake
2. Derek Sigel ’95, Irene Kim ’06 and Perry Dellelce
3. Jay Carfagnini ’80, Karen Trimble ’80 and Geoffrey Morawetz ’78
4. Michael Copeland ’93, Morgan Borins ’10 and Dean Ian Holloway
5. Janette Henry, Zach McLaren, Daliana Coban and Dave McKenna ’10
6. Tom Harrington
A year of celebration and success

WESTERN LAW EXPERIENCED A GREAT 50TH YEAR. We had many exciting events throughout the year that brought our alumni from around the globe together to celebrate with our Dean, faculty, staff and Western’s new President Amit Chakma.

Joining in the celebrations was Kevin Goldthorp, Western’s new Vice President (External). Goldthorp worked at Western from 1997 to 2004, progressively serving as Campaign Director, Director of Development, and Associate Vice-President, Development. He left Western in 2004 to serve as Chief Executive Officer at Sunnybrook Health Sciences Centre Foundation, which provides financial support for Toronto’s largest hospital. Goldthorp’s new position includes responsibility for alumni relations, development, communications, marketing, public affairs and overseeing the University’s comprehensive fundraising campaign. We are grateful for the leadership of President Chakma and Kevin Goldthorp, who have been engaged and supportive of Western Law from their initial appointments.

With the 50th year theme, Western Law established a Golden Anniversary Fund to support student initiatives. Thanks to the generous support of our alumni and friends, the Golden Anniversary Fund will support various student programs such as exchanges, internships, advocacy competitions and top-up scholarships offered to our students at Western Law. We will continue to grow this fund through the Western Law Annual Fund.

In addition to this special 50th project, Western Law raised over $2 million to support programs that benefit our students on a daily basis. On behalf of The University of Western Ontario, Dean Ian Holloway, faculty, staff and students, I thank our alumni, friends, law firms and external partners for your generous support and for making this a 50th year to remember.

Matoula Charitsis
Alumni Relations and Development, Faculty of Law

TOP PROGRAMS LAUNCHED AT WESTERN LAW

January Term Program - Bringing the world to Western Law

FUNDING SUPPORT FROM THE FIRMS MILLER THOMSON LLP AND HICKS MORLEY LLP
Thanks to funding support from the firms Miller Thomson LLP and Hicks Morley LLP, Western Law students had a chance to learn from two of the brightest legal minds in New Zealand this past January without ever having to set foot off campus.

Since its introduction in 1999, the January Term has provided upper-year law students with exposure to legal expertise from all over the world in a wide range of subjects. In 2010, 14 visiting professors came to Western Law, including Paul Roth and Paul Rishworth.

“I have been most impressed with the vibrancy of Western’s scholarship and programs,” says Rishworth, who is a professor and Dean of Law at the University of Auckland, New Zealand. Rishworth, who taught Comparative Constitutional Law and Human Rights, was the inaugural Rt. Hon. John Turner Fellow at Western Law. Miller Thomson LLP and Western Law alumni at the Firm made a new commitment of $100,000 to support the new January Term Program.

Hicks Morley renewed its commitment to Western Law in the area of Labour and Employment with a gift of $75,000 to ensure that their firm’s January Term fellowship in labour and employment law continues every second year at the Faculty.

“I appreciate the experience of teaching in a different law school and working with culturally different (and more mature) law students,” says visiting Professor Paul Roth, the 2010 Hicks Morley Fellow who hails from the University of Otago in Dunedin, New Zealand.

Dean Ian Holloway says the January Term is one of the most special parts of Western Law’s curriculum. “Through it, we are able to draw to Western each year a group of tremendously accomplished visitors from all over the world, who teach courses we could not otherwise offer. It represents a way for us to broaden our institutional horizons and is a key part in our strategy for internationalization.”
International Law Internships

W.R. POOLE QC BAR FELLOWSHIP

Bill Poole and John Eberhard ’69.

Alumni from the classes of 1965 to 1972 honoured their friend, mentor and esteemed criminal law professor, William (Bill) Poole by establishing the W.R. Poole QC Bar Fellowship. Poole’s legal career spans more than 50 years and at 91, he is the oldest living member of law school faculty. The announcement of the Fellowship took place at the Faculty of Law on October 3 during the Homecoming weekend, where many of Poole’s students gathered to pay tribute to their former professor and his wife, Nancy Poole.

John Drake ’72, Poole’s long-time friend and former law partner, and Don Schroeder ’69 provided leadership gifts to establish the Fellowship.

“The legacy in the name of Professor Poole will enable students to participate in an extraordinary legal adventure,” noted John Drake.

The W. R. Poole QC Bar Fellowship will enable one or more Western Law students to spend a week to ten days experiencing “legal London” by spending time at the Inns of Court in London, England. “Bill was able to instill a sense of romance with the law,” recalled former student John Eberhard ’69, who spearheaded this project.

“His love of the law, imparted to many classes, remains a cherished memory and an ongoing guidepost.

Internship in Mining Finance

CASSELLS BROCK INTERNATIONAL INTERNSHIP IN MINING FINANCE

Cassels Brock & Blackwell LLP has provided $30,000 to establish the Cassels Brock International Internship in Mining Finance over the next three years. Western Law student Zohar Barzilai was selected as the inaugural intern and placed with a client of Cassels Brock, Vancouver-based Goldcorp Inc.

“My internship at Goldcorp continues to be a dynamic and exceptional learning experience,” says Barzilai. “So far I have been fortunate to gain exposure to a number of different areas of law and mining finance work, including conducting due diligence with respect to contracts included in a recent multi-million dollar acquisition.”

Student Scholarships

KEVIN J. COMEAU CONTINUING SCHOLARSHIP

Kevin Comeau ’82 has made a generous commitment of $25,000 to continue supporting the scholarship endowment established at Western Law. The Kevin J. Comeau Continuing Scholarship is based on academic merit and awarded to a student entering the first year of the Law Program. Comeau says he hopes his donation “will help persuade top candidates to choose Western Law.”

“The generosity of alumni like Kevin is more important than ever in ensuring deserving candidates continue to have access to a high-quality legal education,” said Dean Ian Holloway.

ENTRANCE SCHOLARSHIP AT WESTERN LAW

Western Law’s 2009-10 Student Legal Society has provided a gift of $25,000 to establish a new Entrance Scholarship at Western Law. The scholarship was established in honour of the Faculty of Law’s 50th Anniversary.

STUDENT AWARDS AT WESTERN LAW

Jim Watkinson ’68, VP and General Counsel of Pembina Pipeline in Calgary, Alberta, has made a commitment of $90,000 to establish student awards at Western Law. With this gift, a fund will be created at Foundation Western where $75,000 of the gift will be endowed to create a $3,000 scholarship each year in perpetuity. The remaining $15,000 will be expended over the next five years to create an additional award valued at $3,000.

Expanding our Legal Ethics Program

GOODMANS LLP FACULTY FELLOWSHIP IN LEGAL ETHICS AT WESTERN LAW

Goodmans LLP has made a new major gift contribution to Western Law to support the establishment of the Goodmans LLP Faculty Fellowship in Legal Ethics at Western Law. This new Fellowship will support faculty research, student researchers and materials for students in the first year Legal Ethics and Professionalism course.

LENCZNER SLAGHT LLP ADVOCACY COMPETITION IN LEGAL ETHICS AND PROFESSIONALISM

Western Law is proud to announce a new advocacy competition in Legal Ethics and Professionalism sponsored by Lenczner Slaght Royce Smith Griffin LLP.

In announcing its support for this initiative, Ronald Slaght, Managing Partner of Lenczner Slaght, explained, “Our firm has taken a special interest in issues of legal ethics and civility, and in fostering an understanding of how to manage the often competing duties owed to clients, the courts and opposing counsel. Grappling with these different interests at an early stage can lead only to a more collegial and professional bar.”

Professor Stephen Pitel and Western Law alumnus Matthew Lerner ’07, an associate with Lenczner Slaght, organized the inaugural competition held on April 6.
Alumni Relations and Development

Donors

WE WOULD LIKE TO RECOGNIZE THE FOLLOWING DONORS WHO HAVE GIVEN OR PLEDGED $1,000 OR MORE TO WESTERN’S FACULTY OF LAW BETWEEN MAY 1, 2009 AND APRIL 30, 2010. WE ALSO THANK THOSE DONORS WHO HAVE CHosen TO REMAIN ANONYMOUS.

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ANDREW BOTTERELL
Professor Andrew Botterell published two papers, “Should the Supreme Court Cite Living Judges?” (2009) 36 The Advocates’ Quarterly and “Normativity, Fairness, and the Problem of Factual Uncertainty” (2010) 47:4 Osgoode Hall Law Journal (with Chris Essert). He also contributed to three chapters, one on Proof of Negligence and two on Causation, to the third edition of Fridman’s The Law of Torts in Canada, due to be released by Carswell in the Fall of 2010. Prof. Botterell helped organize the first Private Law Theory Workshop, held at UW in February, which included academics from McGill, Queen’s, Toronto, and UWO, at which he presented a paper called “Risking, Wronging, and Harming.”

CRAIG BROWN
Professor Craig Brown has continued his work in insurance law. He issued updates of the loose-leaf edition Insurance Law in Canada, and the 7th student edition of the book appeared in August. He has continued his research, with colleague Professor Sara Seck, on insurance and climate change. He was retained as an expert in two cases in the United States which involved issues of insurance law relating to environmental claims. He wrote a report for the European Union on discrimination in insurance in Canada. An earlier report on the structure of property insurance legislation in Canada was used to help restructure insurance legislation in Alberta and British Columbia.

His article on Ontario’s Apology Act appeared in the Tort Law Review in Australia and has been referenced by the New South Wales Ombudsman in a report to the government there.

CHI CARMODY
Professor Chi Carmody continues as Canadian Director of the Canada-U.S. Law Institute (CUSLI). The Institute began a range of new activities at the Faculty this past year, including creating a joint Editorial Board (consisting of Canadian and American student editors) for the Canada-U.S. Law Journal, creating a CUSLI Student Committee at Western Law, and hosting the Third Annual Canada-U.S. Law Institute Distinguished Lecture, given this year by Prof. Janice Gross-Stein of the University of Toronto. Prof. Carmody’s article “Law and Reform of the International Economic System” appeared in the Journal of Parliamentary and Political Law. His edited volume Is Our House in Order? Canada’s Implementation of International Law will be published by McGill-Queen’s University Press in November 2010. Prof. Carmody co-led a Day of Action on October 24, 2009 on Climate Change in London and was appointed to the Board of the London Heritage Council in May 2010.

ERIKA CHAMBERLAIN
Professor Erika Chamberlain continues her research in public authority liability, particularly the tort of misfeasance in a public office. She presented at the third biennial conference of the Canadian Initiative in Law, Culture and Humanities, and published related articles in the Canadian Bar Review and Constitutional Forum. She is also a co-author of the forthcoming third edition of Fridman’s The Law of Torts in Canada. Building on her doctoral work on the duty of care, she published “Lord Atkin’s Opinion in Donoghue v. Stevenson: Perspectives from Biblical Hermeneutics” in Law and Humanities. Finally, she continued her work in the field of impaired driving law and policy, publishing in the Criminal Law Quarterly, Windsor Review of Legal and Social Issues, Canadian Public Policy and the British Columbia Medical Journal. On the teaching front, Prof. Chamberlain was honoured to be the co-recipient of this year’s J.G. McLeod Professor of the Year award from the Student Legal Society.

MICHAEL COYLE
Professor Michael Coyle presented a paper in Madrid on October 5, 2009 at the invitation of the Indigenous Peoples Section of the International Bar Association. His paper outlined a comparative law analysis of the domestic treatment of indigenous treaty rights. On November 20, he presented his paper “The Idols of the Cave: Re-imagining the Protection of Indigenous Knowledge” to the Canadian Intellectual Property Academy Conference, held in Toronto. In March he presented a paper, at a panel of SSHRC scholars held at the University of Ottawa, entitled “Establishing Indigenous Governance: The Challenge of Escaping Mainstream Cultural Norms.” Prof. Coyle has also just obtained an Internal Research award of $7,500 from UWO, to fund his investigation into the options available for the civil enforcement of promises made in Crown-First Nation treaties. In July he was appointed the Cassels Brock Faculty Fellow in Contract Law.

Among other publications this year, Prof. Coyle’s book chapter “Power and the Resolution of Indigenous Land Rights” has now been published in Democracy, Ecological Integrity and International Law, edited by K. Basselman, R. Engel and L. Westra (Cambridge Scholars Publishing).

RANDAL GRAHAM
which will appear in the National Journal of Constitutional Law in late 2010. This third paper is an updated and expanded version of Graham and Lepofsky’s earlier piece, “Universal Design in Legislation”, published by Oxford’s Statute Law Review in late 2009. In January Graham presented a paper entitled “Activism vs. Restraint: Judicial Approaches to Statutory Interpretation” at the annual mid-winter conference of the Manitoba Law Association, together with co-presenter Justice Freda M. Steel (of the Manitoba Court of Appeal). He is currently working on his fourth book (which deals with the economic incentives at play in the legal system), and is also in the process of producing a new edition of his third book, Legal Ethics: Theories, Cases and Professional Regulation.

Bradley Miller co-organized a public forum on the criminalization of polygamy. He also organized and participated in a roundtable discussion on freedom of religion with Professor John Finnis, and a roundtable on Grégoire Webber’s new book The Negotiable Constitution in May. His paper “Vagueness, Finiteness, and the ‘Natural Limits’ of Interpretation and Construction” will be published in a forthcoming book of essays on constitutional interpretation.

RANDE KOSTAL
Professor Rande Kostal was an invited speaker to the History Colloquium at Rice University on February 22, where he presented his paper entitled “The Alchemy of Occupation: Karl Lowenstein and the Legal Reconstruction of Germany, 1945-46”. The paper will be published as a feature article in a forthcoming issue of Law and History Review.

MICHAEL Lynk
Much of Professor Lynk’s time over the past year was devoted to his administrative duties as Associate Dean (Academic). These include a myriad of responsibilities for student issues and for faculty teaching assignments. He also taught part of the first-year constitutional law course, as well as a revamped Advanced Labour Law seminar which received a very generous gift for a speakers’ series from the Toronto labour law firm of Mathews, Dinsdale & Clark LLP.

Prof. Lynk has continued with his research and publishing. His 2009 Rand Lecture on “Labour Law and the New Inequality” was included as part of a special issue of the University of New Brunswick Law Journal on labour law, and his entry on the 1947 United Nations Special Committee on Palestine was published in 2010 as part of the multi-volume Encyclopedia of the Israeli-Palestinian Conflict, the first such specialist encyclopedia of its kind. His current research projects include longer pieces on the accommodation duty in the Canadian workplace and the role of the United Nations in the Middle East conflict.

During the past year, Prof. Lynk spoke on workplace legal issues at a number of academic and industrial relations conferences. He delivered papers at the Canadian Economics Association annual meeting in Quebec City, the Canadian Industrial Relations Association annual meeting in Quebec City, the Western Canada annual conference on labour law in Calgary, and a panel on the use of international labour law in Canadian law at Washington College of Law in Washington, D.C. In October at Western he co-organized the biennial labour law conference, on the theme of Employment Equity; an edited book of the leading papers from the conference will be published in the near future.
MARGARET MARTIN
Margaret Martin has signed a book contract with Hart Publishing, Oxford UK, one of the leading publishers of original legal scholarship. The book’s working title is *Judging Positivism* and is based on her PhD dissertation, “Raz’s Exclusive Legal Positivism: the Tension Between Law and Morality”. In September she commented on a paper given by renowned International Law scholar Larry May, as part of Ossegoode’s Legal Philosophy series.

In May she chaired the session on “The Province of Jurisprudence Underdetermined” at Neutrality and the Theory of Law, the first conference on philosophy and law at Girona, Spain. Conference speakers included Robert Alexy, Brian Bix, Jules Coleman, Brian Leiter, Frederick Schauer and Wil Waluchow. In June she delivered a paper entitled “The curious case of command theories: Reflections on the question of law’s normative force” at the University of Edinburgh.

Her article “Raz’s The Morality of Freedom: Two Models of Authority” is in the inaugural addition of the new journal *Jurisprudence*.

RICHARD McLAREN
Professor Richard McLaren published *The 2010 Annotated British Columbia Personal Property Security Act* and *The 2010 Annotated Alberta Personal Property Security Act in January*. Both books were published by Carswell. He delivered the Thomas Feeney Memorial Lecture, entitled “Olympic Arbitration: Sports, Drugs & Corruption”, at the University of Ottawa in January. In April he attended the semi-annual meetings of the Strauss Institute at the Faculty of Law at Pepperdine University in Malibu, California, where he is a member of the Council of Distinguished Advisors to the Institute. The Strauss Institute has been ranked the leading dispute resolution institute in the United States for the fifth year in a row.

BRADLEY MILLER
Professor Bradley Miller appeared before the Standing Committee on Procedure and House Affairs in Ottawa to discuss the constitutional conventions surrounding the prorogation of Parliament. A transcript of his June 15 presentation is posted to the House of Commons website.

He presented his paper “Dworkin’s Shadow: Equality Rights and the Supreme Court of Canada’s Loss of Dignity” to the Constitutional Theory Discussion Group at the University of Oxford on June 8. The discussion group is organized by faculty members Nick Barber and Aileen Kavanagh, and presents papers from visiting academics throughout the academic year.

In March, Prof. Miller co-organized and was a panellist (together with John Finnis, Michael Milde, and Grant Huscroft) at a public forum addressing the criminalization of polygamy, where he presented his paper “The criminal prohibition of polygamy in Canada: the philosophical foundations”. He also organized and participated in a roundtable discussion on freedom of religion with John Finnis, Joseph Boyle, Grant Huscroft and Margaret Martin. His paper “Morals Laws in an Age of Rights: Hart and Devlin at the Supreme Court of Canada” was accepted for publication in the *American Journal of Jurisprudence*, and his paper “Origin Myth: the Persons case, the Living Tree, and the New Originalism” will be published in a forthcoming volume of essays on constitutional interpretation from the Originalism and Constitutional Interpretation conference hosted by the Public Law and Legal Philosophy Research Group in 2008.

JASON NEYERS
Professor Jason Neyers’ paper “Tate & Lyle Food & Distribution Ltd v GLC” was published in Charles Mitchell & Paul Mitchell, eds., *Landmark Cases in the Law of Tort* (Oxford: Hart Publishing, 2010). The paper argues that this House of Lords decision provides the key to understanding the instances of liability (and non-liability) found in the torts of nuisance and negligence. He also joined the editorial team of *The Law of Torts in Canada*, 3rd ed. (Toronto: Carswell, 2010), finished the fourth edition of *Cases and Materials on Contract* (Toronto: Emond Montgomery, 2010) and is presenting on abuse of rights at *Obligations V* at the University of Oxford. Prof. Neyers also created and administers the Obligations Discussion Group (ODG), which is an international mailing list devoted to all aspects of the law of obligations. To be added to the list, please send him a message at jneyers@uwo.ca.

CHRISTOPHER NICHOLLS
Professor Christopher Nicholls’ article “Civil Enforcement in Canadian Securities Law”, based on a paper delivered at the University of Cambridge’s international conference on securities law enforcement, was recently published in the *U.K. Journal of Corporate Law Studies*. In Fall 2009 he was a visiting professor at Queen’s University, and in March was invited to Cambridge as a Herbert Smith Visiting Professor. He presented a paper on financial regulatory reform and worked on the forthcoming second edition of his book, *Corporate Finance and Canadian Law*. In April he lectured at the University of Ottawa on the oppression remedy, in May spoke on that same topic to judges attending the National Judicial Institute’s Civil Law Seminar in Vancouver, and in June lectured on M&A developments in Toronto as part of Osgoode Hall Law School’s Securities Law LL.M. program. He is currently completing a retrospective paper on financial regulation for an upcoming issue of the *Canadian Business Law Journal*. 
VALERIE OOSTERVELED
Professor Valerie Oosterveld’s case analysis of Prosecutor v. Issa Hassan Sesay, Morris Kallon & Augustine Gbao (Special Court for Sierra Leone) appeared in (2010) 104(1) American Journal of International Law 73-81. She also had “International Harmonization Projects and Developments” published in Janet Walker & Oscar G. Chase (eds.), Common Law, Civil Law and the Future of Categories (Markham, LexisNexis: 2010) at 399-402, and a book review published in Vol. 46 of the Canadian Yearbook of International Law (2010) at 742-746. As well, she had accepted for publication “Gender-Based Crimes Against Humanity” in Leila Sadat (ed.), Forging a Convention for Crimes Against Humanity (Cambridge University Press, forthcoming 2011), and “Feminist Debates on Civilian Women and International Humanitarian Law” (2010) Windsor Yearbook of Access to Justice. Prof. Oosterveld presented papers or served as chair at a number of events related to international criminal justice in Ottawa, Windsor, Chicago, Washington D.C., Mexico and Uganda. She also received three grants. The first was for $100,005 from the Government of Canada’s Global Peace and Security Fund for a project on legal mechanisms required to address obligations that arise after the closure of time-limited international criminal tribunals such as the International Criminal Tribunal for the Former Yugoslavia and Rwanda. She was awarded a SSHRC grant of $31,664 for a one-year project focusing on gender in international criminal justice. She was the co-recipient (along with academics from Alberta, Ottawa and Queen’s law faculties) of a two-year SSHRC grant of $70,736 to attend and analyze the June 2010 Review Conference of the Rome Statute of the International Criminal Court (ICC), which took place in Kampala, Uganda. Prof. Oosterveld also served on the Canadian delegations to the November 2009 ICC Assembly of States Parties meeting in The Hague, Netherlands and the June 2010 ICC Review Conference in Uganda.

ADAM PARACHIN
Professor Adam Parachin was promoted to the rank of Associate Professor with tenure. He had papers accepted by the Canadian Tax Journal, Queen’s Law Journal, Estates, Trusts and Pensions Journal and Charity Law and Practice Review. He presented papers at the Annual Conference of the Association for Nonprofit and Social Economy Research, the Annual Conference of the Association for Research on Nonprofit Organizations and Voluntary Action, and a tax conference entitled Tax Expenditures and Public Policy in Comparative Perspective. Prof. Parachin also accepted an invitation to join the editorial board of the Canadian Journal of Nonprofit and Social Economy Research. He was awarded the BLG Fellowship for a project dealing with human rights and the definition of charity, and a research grant (together with Professor Randal Graham) from the Law Foundation for a project on disability law. He was included on the UWO Teaching Honour Roll for his achievements in teaching.

MARK PERRY
Professor Mark Perry is responsible for the genomics and its related ethical, economic, environmental, legal and social aspects (GE1LS) aspect of Genomics in Agricultural Pest Management’s $6M project (funded by Genome Canada and hosted at Western). The first spider mite Genome meeting was held in October in Logroño, Spain. In addressing the GE1LS issues, Prof. Perry emphasized that even though some promising technologies are emerging, the regulatory system and policy framework lack direction and certainty when dealing with biotechnological innovation. In November he presented a paper at the Third International Workshop on Cloud Computing on “Licensing (and other Externalities) in Clouds” which focused on the implementation of legal restraints within the cloud paradigm. He also had an exhibit with PhD candidate Karthick Ramanchandran entitled “A P2P Environment for Grid Computing” at the Centre for Advanced Studies Conference 2009.

Prof. Perry delivered a talk on “Public policy, law and influence on regulation of biotechnology” at the Genomics in Sustainable Agriculture workshop held at Western Law on March 30. Prof. Perry and Thomas Margoni presented two papers at The Fourth International Conference on Digital Society: “FLOSS for the Canadian Public Sector: Open Democracy” (which received the Best Paper award at CYBERLAWS 2010) and “Interpreting Network Discrimination in the CRTC and FCC”. In April he delivered a lecture on “Safe Harbour for Internet Service Providers (Managers)” in the Faculty of Law at Banaras Hindu University (BHU) in Varanasi, India. His paper “The Proxy-based Mobile Grid” (co-written with Azade Khalaj) and Hanan Lutfiyya) is published in the proceedings of The Third International ICST Conference on MOBILe Wireless Middleware, Operating Systems, and Applications. A paper entitled “Decentralized Resource Availability Prediction for a Desktop Grid” (with Karthick Ramanchandran and Hanan Lutfiyya) is in the proceedings of the 10th IEEE/ACM International Symposium on Cluster, Cloud and Grid Computing.

STEPHEN G.A. PITEL
Professor Stephen Pitel published two books on private international law: a textbook, Conflict of Laws (Toronto: Irwin Law, 2010), written with Professor Nicholas Rafferty; and a casebook, Private International Law in Common Law Canada: Cases, Text and Materials, 3rd ed. (Toronto: Emond Montgomery Publications Limited, 2010), written with six other Canadian conflict of laws scholars. With three of his colleagues, he was awarded research
funding by the Foundation for Legal Research to prepare the third edition of Fridman’s *The Law of Torts in Canada*. He published a comment on *Van Breda v. Village Resorts Limited* in the *University of New Brunswick Law Journal*’s special issue on private international law and presented a paper entitled “Lawyer or Liar? Truth in the Legal Profession” at the annual national meeting of legal ethics and professionalism professors at the University of British Columbia. He is the Canadian editor for [www.conflictoflaws.net](http://www.conflictoflaws.net) and also maintains a national e-mail news and discussion list for conflict of laws professors.

**SARA SECK**
Assistant Professor Sara Seck spoke on a panel on Bill C-300 at the law office of McMillan LLP in October. In November she co-convened a multi-stakeholder consultation on Corporate Law Tools in Toronto, in support of the mandate of Harvard Professor John Ruggie, the Special Representative to the UN Secretary-General on Business & Human Rights. In February she presented a paper at an interdisciplinary conference on Business and Human Rights held in Toronto by the Canadian Business Ethics Research Network. Her paper “Collective Responsibility and Transnational Corporate Conduct” was accepted for publication by Cambridge University Press as part of a collection entitled *Accountability for Collective Wrongdoing*. In May she participated in a legal expert workshop on the dispute resolution rules of procedure of the new Office of the Extractive Sector, Corporate Social Responsibility Counsellor. In June she presented papers at the Canadian Association of Law Teachers conference in Victoria and the Global Ecological Integrity Group meeting in Vancouver.

**ROBERT SOLOMON**
Professor Robert Solomon has published three articles on impaired driving in conjunction with Professor Erika Chamberlain: “Random breath testing: A needed and effective measure to prevent impaired driving fatalities” (*British Columbia Medical Journal*); “Canada’s New Impaired Driving legislation: Modest Gains and Missed Opportunities” (*Criminal Law Quarterly*); and “Research, Policy Development and Progress: Antisocial Behaviour and the Automobile” (*Canadian Public Policy*). Prof. Solomon also co-authored an article entitled “Capacity Reviews - Clinical and Liberty Outcomes” in *Research Insights*.

Prof. Solomon participated in a two-day forum in Ottawa, on proposed amendments to the *Criminal Code’s* impaired driving provisions, hosted by the federal Ministry of the Attorney General. He subsequently met with the Attorney General and other senior Parliamentarians. In Australia in June, CARRS-Q (the Centre for Accident Research and Road Safety - Queensland) arranged a series of consultations for Prof. Solomon with leading traffic safety researchers in Brisbane.

Most recently, Prof. Solomon was named the recipient of The Kaiser Foundation’s 2010 National Award for Excellence in Public Policy. The recipients are selected by a National Advisory Board based on a record of outstanding achievement in reducing alcohol and other drug harm through effective public policy. The Award is accompanied by a $10,000 grant to be donated to a charity of the recipient’s choice.

**THOMAS TELFER**
On July 1, 2009 Professor Thomas Telfer was appointed as the 2009-2010 Cassels Brock LLP Faculty Fellow in Contract Law. He was invited to speak at the Osgoode Hall Law School Symposium on Teaching Insolvency Law in Toronto, where he spoke on “The Importance of History and the Political Economy of Insolvency Reform”. He also gave a guest lecture to Osgoode Hall LL.M. students on the topic of “Pre-bankruptcy Transactions.” Prof. Telfer was an invited speaker to the Symposium in Honour of Michael Trebilcock held at the University of Toronto. His paper was entitled “Ideas, Interests and Institutions and the History of Canadian Bankruptcy Law, 1867-1880.”

The London and Area Insolvency Discussion Group invited Prof. Telfer to speak in January 2010. He spoke on “The Underlying Policy Objectives of Voidable Preference Law”. He also spoke at the Annual Review of Insolvency Law Conference hosted by the University of British Columbia. His comments covered subprime mortgages, responsible lending practices and debtor misconduct.

**MARGARET ANN WILKINSON**
Professor Margaret Ann Wilkinson’s book *Genealogy and the Law in Canada*, funded by a Social Sciences and Humanities Research Council Outreach grant, was published by Dundurn Press and the Ontario Genealogical Society. In addition to workshops and information presentations on copyright, Professor Wilkinson engaged in the 2009 Copyright Consultation (working with groups, attending and submitting to the Toronto Townhall) and is now active in response to Bill C-32, including preparing an invited chapter. She contributed “Thoughts and Research” to an E-Health Law and Policy Symposium hosted by the Law Commission of Ontario in Toronto in January; presented “-isms, acronyms and research – some reflections” as Keynote Speaker for the 3rd Annual Canadian Law School Conference held in Windsor in March; gave an address on the role of academic journals in a changing information environment for the annual dinner of the *Windsor Review of Legal and Social Issues*; and presented “Balancing Public and Private Claims to Data” to the Canada-U.S. Law Institute Annual Conference in Cleveland in April.
Robert Beccarea was recently appointed as a part-time member of the Canadian Artists and Producers Professional Relations Tribunal.

William Clayton, Lerners LLP, London was selected as one of the “Best Lawyers in Canada 2010”.

Joseph Arvay, Partner, Arvay Finlay in Vancouver, was awarded the Trial Lawyers Association of British Columbia Bar Award in 2009. His latest battle is representing the Fight HST forces in their court battle against the B.C. government’s new tax. He was recently named by Canadian Lawyer Magazine as one of the Top 25 Most Influential in the justice system and legal profession.

Bob Farmer has been working in-house with Rush since 1982 and they are about to embark on their 2010 Time Machine Tour.

Douglas O. Reeves has returned to the full time practice of family law at Reeves & Buck LLP in Brantford. Until March 31, 2010 Doug had divided his time between his family law practice and his position as Area Director of Legal Aid Ontario in Brantford. On March 31st Doug’s employment with LAO, along with that of most of the other part time Area Directors across Ontario, was terminated. The Reeves & Buck offices were also relocated at the end of January.

Scott K. Campbell was appointed a Judge of the Superior Court in and for the Province of Ontario.

Roberta Jamieson is one of 10 experienced Canadian leaders assigned to mentor one or two promising doctoral students awarded the prestigious Pierre Elliott Trudeau Foundation Scholarship. The Trudeau mentors, with backgrounds in government, business, the arts, Aboriginal communities and public policy, are expected to provide “a uniquely experienced reality check” to research by Trudeau scholars to ensure their work is applicable to society’s needs and concerns. Jamieson was the first woman from a First Nation in Canada to graduate from a law school and is a former commissioner of the Indian Commission of Ontario and Ombudsman of Ontario. She is president and CEO of the National Aboriginal Achievement Foundation, and an authority in conflict resolution.

Stephen R. Coxford has been appointed Vice-Chair of Western’s Board of Governors. Stephen is the President of Gresham & St. Andrew Inc., a Toronto-based investment company.

Nigel Gilby, Lerners LLP, London, was selected as one of the “Best Lawyers in Canada 2010”.

Leonard Ricchetti was appointed as a Judge of the Superior Court of Justice in and for the Province of Ontario.

Duncan Grace was appointed a Judge of the Superior Court of Justice in Toronto.

Teresa Cardon (nee Foden) is living in the USA with her husband (UWO Medicine ’84) and her three teenage boys. She joined Niagara University as an Assistant Professor of Business Law. She was inspired to try teaching by her dear friend Laura Masella ’82 who passed away this year. Her first order of business will be to get approval for a ping-pong table in the student lounge.

Elizabeth Quinlan was appointed a Judge of the Superior Court of Justice for the Province of Ontario.

Wayne Gould Rabley was appointed a Judge of the Ontario Court of Justice for the Province of Ontario.

David Judson joined Miller Thomson as a Partner, Securities and Capital Markets.

Paul Morrissey became a Partner with the London law firm, Siskinds.

Thomas John McEwan has recently been appointed to the judiciary on Ontario Superior Court. He will serve in Newmarket. Thomas McEwan is a former partner with Adair Morse LLP in Toronto.
Stephen Clark joined the Toronto law firm of Osler's LLP.

Douglas Melville has been appointed Ombudsman and Chief Executive Officer at Canada’s Ombudsman for Banking Services and Investments (OBSI), based in Toronto. As an alternative to the legal system, OBSI resolves consumer disputes from over 600 banking and investment firms across Canada. The office is contacted by over 14,000 consumers each year and recommends compensation of up to $350,000 per case for losses incurred due to firm error or poor financial or investment advice.

Mark Bain was appointed as Partner to Torys LLP.

Marie Tukara became a Partner with the London law firm, Siskinds.

Richard Hans Karl Schwarzl was appointed a Judge of the Ontario Court of Justice for the Province of Ontario.

Mike Eizenga has joined the Toronto office of Bennett Jones, LLP.

Christopher Bogart is the Chief Executive Officer of Burford Group Limited. His background includes a wide variety of legal, executive management and investment experience.

Most recently, Mr. Bogart has simultaneously served as: Chief Executive Officer of Churchill Ventures Ltd., a $110 million publicly traded investment vehicle; Managing Director of Glenavy Capital LLC, a global media and technology investment firm; and General Partner of the Glenavy Arbitration Investment Fund LP, a dispute financing firm.

Previously, Mr. Bogart held a number of senior executive positions with Time Warner Inc. He served as Executive Vice-President & General Counsel of Time Warner Inc., managing one of the largest legal functions in the world with more than 350 lawyers. He also served as Chief Executive Officer of Time Warner Cable Ventures and one of four senior executives operating Time Warner Cable, Time Warner’s largest business, with $9 billion in revenue and 30,000 employees.

Mr. Bogart came to Time Warner from the New York law firm of Cravath, Swaine & Moore where he was a lawyer representing companies such as IBM, GE and Time Warner.

Susan Elisabeth Healy has recently been appointed to the Ontario Superior Court. She will serve in Barrie. Susan is a former partner at Stewart Esten in Barrie.

Ron and Norma Walton are pleased to announce that their company, The Rose and Thistle Group Ltd., has recently acquired Urban Amish Interiors, a high end furniture retailer, and Handy Home Products Inc., a kitchen products distributor. The real estate arm of The Rose and Thistle Group has acquired the Old Firehall in Toronto, the original home of Second City, and 24 Cecil Street, an architectural gem, to complement their stable of heritage properties and infill development property in Toronto.

David Campbell is currently living in Toronto and working at IMAX Corporation in Mississauga where he is the Senior Vice-President and has recently assumed responsibility for a newly formed Corporate Development group. This team will be responsible for identifying, evaluating, negotiating and implementing new business opportunities for IMAX. The Corporate Development group will seek to strategically position the company for growth and develop new lines of business which will complement and strengthen the IMAX brand as well as grow new revenue streams. In addition to identifying and assessing new business opportunities and evaluating opportunities sourced externally, the group will also be responsible for identifying and acquiring. Licensing and pooling new intellectual property to support business development efforts and to seed new investments.

Peter Joseph DeFreitas was appointed as a Judge to the Ontario Court of Justice.
Judith Hull has been elected President of the Ontario Trial Lawyers Association (OTLA). She served for six years on the association’s Board of Directors, and two years on its Executive Committee, while leading her own practice, Judith Hull & Associates, a personal injury law firm. In July she was awarded the American Association for Justice International Trial Lawyer Leadership Award.

Berkeley Sells recently received the “Leading Lawyers Under 40” Award.

David Michael Shoemaker has been appointed President of Sony Ericsson Women’s Tennis Association Tour. Since joining the organization in April 2004, he has been an integral member of the executive team, applying a unique blend of both legal and business acumen.

Mary Lou Brady and Bob Joseph were thrilled with the arrival of their daughter, Olivia, on January 4, 2010. When not busy with Olivia and her big brothers, Sebastien, Bradyn and Sam, Mary Lou is busy at Siskinds LLP, where she continues her management-side employment law practice.

Craig Maurice recently received the “Leading Lawyer under 40” Award.

Rudy Morrone joined the Toronto law firm of Fogler Rubinoff.

Carolyn Lloyd joined the partnership at McKenzie Lake, London.

Lydia Salvi joined the Toronto law firm of Baker & McKenzie.

Mitch Frazer, Partner, Pensions & Employment, Torys LLP, was selected as a Recipient of the Inaugural Precedent Setter Awards. The award is to recognize lawyers in their first 10 years who have shown excellence and leadership in their practices and in their community.

Mark Coleman joined the Toronto law firm of Forbes Chockla.

Timothy Chubb joined the Toronto law firm of Stikeman Elliott.

Sudevi Mukherjee-Gothi has been admitted to partnership with Torkin Manes, LLP, Toronto, practicing with the Insurance Defence Group.

Ronnie Shore is a member of the Ontario and New York State bars. He is currently a Hearing Officer with the Trade-marks Opposition Board of the Canadian Intellectual Property Office (CIPO), which is an agency of Industry Canada. In 2009 he was co-captain of the Government of Canada Workplace Charitable Campaign, which resulted in an extremely successful campaign year for CIPO, and he also received an award for his work and community contributions at the National Public Service Week.

David Arntfield joined the partnership at McKenzie Lake, London.

Peter Fenton and his wife, Laura, are pleased to announce the birth of their daughter (baby sister to their son Andrew), Katherine Eva, born September 4, 2009.

Jassmine Girgis has joined the Faculty of Law at the University of Calgary, where she continues to teach and research in the areas of Bankruptcy and Restructuring, Contract Law, Corporate Law and Secured Financing.

Amy Dixon has joined the law firm of Cooper, Kleinman in their Family Law practice.
Carl Calandra recently joined Miller Thomson as an associate in the Business Law Group in Toronto. His practice focuses on corporate finance, mergers and acquisitions, securities regulatory matters and corporate and commercial law.

Stephanie Montgomery-Graham, LLM, was named to the Board of Governors of Fanshawe College. This is a provincially vetted appointment.

Palladam Vasudev, LLM, was appointed to the Faculty of Law at the University of Ottawa.

Cheryl Biehler (formerly Dusten) married Rob Biehler in March 2010 and is residing in Burlington, Ontario. Cheryl is an associate in the litigation department of Fasken Martineau DuMoulin LLP in Toronto. Her email address at the firm has changed and she can now be reached at cbiehler@fasken.com

Sarah Bresolin Silver returned to school to pursue an LL.M. degree at The George Washington University Law School in Washington, D.C. in International Trade Law and Development, after practicing law in Boston, MA for two years. She is currently working at the United Nations Conference on Trade and Development in New York City for the summer.

Geoff Pollock married Eugenia Vladimirovna Samartseva on January 16, 2010 and honeymooned in South America. They are also anticipating the arrival of their first child at the end of October.

Andrea McEwan has joined the Toronto law firm of Cassels Brock as an Associate.

Sherry Kettle has joined the London law firm of Miller Thomson LLP as an Associate.

Lisa Walters has joined the London law firm of Miller Thomson LLP as an Associate.

Jennifer Reid joined the Toronto law firm of Beard Winter.

Fred Tranquilli has joined the London law firm of Lerners as an Associate.

Alyvia Christiaen has joined the London law firm of Lerners as an Associate.

Carolyn Janusz has joined the Toronto law firm of Koskie Minsky.

Paul Hendrix has joined the London law firm of Cohen Highley LLP.

IN MEMORIAM

Margaret Banks, former Law Librarian and a Professor Emerita at The University of Western Ontario passed away peacefully at Parkwood Hospital on Thursday, April 29. She was 82.

“For the first two thirds of the law school’s life, Margaret was one of the most important people in the school,” said Ian Holloway, Dean of Western Law.

“The Law Library has an ethos of service and support that is rare today and that ethos originated with Margaret. And she planted the roots so deeply that it is hard to imagine the school without them.”

Charles C. Mark (’62) passed away unexpectedly, but surrounded by his friends, April 13, 2010. Charles is survived by his wife Rebecca West, his children Christopher, Katherine, Rebecca, and seven grand children. He will also be remembered by his former wife Katy. Charles practiced litigation in Toronto, retiring only last year.

Michael Patrick Fitzgerald Dunn (’90) sadly passed away too early on June 25, 2009, at age 45. Predeceased by parents Martin and Patricia Dunn, and by dear Aunt Mary Dalton. Beloved youngest brother of Deanna (Philip Murton), Margaret (Bruce Daley) and Martin (Kim Richard). Michael will be lovingly remembered by his nieces and nephews, his cousins and many, many friends.

Ronald McCready (’67) Died suddenly on July 28, 2010 at the age of 68. A longtime Hamilton lawyer, well respected for his caring attitude towards clients. Loving father of Christine (Shawn) Kosowski and predeceased by his son Craig. Donations to the Cystic Fibrosis Foundation would be greatly appreciated.
The Class of 2010: Our Newest Alumni

IT WAS A PERFECT DAY FOR A CELEBRATION.

Family, friends and faculty gathered at the Western Law Awards ceremony on June 18 to congratulate the class of 2010.

“By graduating from our law school, you are becoming part of a dual family,” said Dean Ian Holloway in his opening remarks.

“On one hand, you are becoming part of the global Western community - and today it is a global community. But at the same time, you are all joining the legal fraternity, a line of great men and women whose traditions stretch back almost a thousand years – and who have been part of our social culture for almost as long.”

Antoni Cimolino, General Director of the Stratford Festival and the guest speaker at the ceremony, encouraged the graduates to seek out engagement with the arts.

“Make some room in your busy schedules for the questing child inside of you. For the child longs to play and through play, learns,” he said.

Jacob Kaufman and Christopher Crighton were co-valedictorians.

“I want to stress how honoured we all are to have joined this [Western Law] community,” Kaufman said. “It is a place where people help each other, work with each other, like each other. And it is a place that each and every one of you has helped make even better.

Crighton called on the graduates to define themselves not just as lawyers, but as people with a wide variety of skills and interests.

“If we do anything today let’s remember that we entered this place as dynamic people and there’s little reason to think that we are leaving as anything less than that.”
Western Law Alumni
Two of a Kind

Bob Thornton and John Finnigan met thirty years ago in their first year at Western Law School. The founders and partners in the boutique law firm of Thornton Grout Finnigan LLP talked to Western Law about friendship, dreaming big and being involved in some of Canada’s biggest restructuring cases.

What are some favourite memories from law school?

(Bob) Winning The Fridman Cup in a touch football match against the professors was a highlight. Also, our hockey team - called The Pylons, because of the way people skated around us! We weren’t talented but we were very enthusiastic.

(John) On the first day of Prof. Ian Hunter’s small group class he asked ‘what is a tort?’ and somebody responded ‘a tasty French pastry.’ Needless to say our Professor was unimpressed.

Why did you start your own boutique firm?

(Bob) Our goal was to create a boutique firm where high-end producers worked in an entrepreneurial business model. We wanted to create an atmosphere where you could be a little more creative, have more flexibility in how you ran both the practice and your life and still have high-quality work.

What’s been your career highlight?

(John) The BCE case, absolutely. Many consider BCE the most important commercial case over the past 35 years. We were the lead counsel for one of the bondholder groups so it was huge case for us and an enormous professional challenge. We had gone through three levels of courts in nine months, which was really unheard of. Bob and I mooted together during our first year at law school in 1980. Fast-forward to 2008, walking into the Supreme Court to argue the BCE case. It was a great moment to start out together as students and then go all the way to the Supreme Court of Canada together.

For us it was a real coming of age: we showed we could take the biggest case in the country and comfortably hold our own with the big boys. It was a David and Goliath match-up and it validated not only our talent and ability but also our business model.

Where do you see the firm growing?

(Bob) A lot of students go through law school together and dream about ending up in practice with colleagues and classmates. I know we certainly did. It takes a certain amount of gumption to make that a reality but we have. It’s a very rewarding work environment so dare to dream and steel yourself to make that dream a reality.

What is your message to lawyers?

(John) Don’t always take the safest path. Believe in yourself and do what you want to do. We wanted to practice together so we did. We stuck at it, we played by the rules, we worked hard and it grew. Now we can give back. We are a key player in a charity called Worldwide Orphans and it gives us great satisfaction to be able to give back in that way.

Bob Thornton’’82 & John Finnigan’’82
An MBA that Respects Your Experience

“I was amazed at how much my classmates knew and had to contribute. I learned so much interacting with them.”

Bruce Lowe, Director Food, Drug and Mass. Iovate Health Services Inc.

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The Ivey Executive MBA program is also designed to fit around the priorities of life and work. At four consecutive days once a month with a reduced summer workload, it’s challenging but doable. Classes are held in downtown Toronto at Ivey’s ING Leadership Centre in The Exchange Tower.

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Since its inception 50 years ago, Western Law has grown to be counted among the most innovative and internationally focused law schools in Canada. Our extensive exchange and international law internship programs provide students with an international perspective and a keen understanding of the rule of law outside our borders.

ENSURING EXCELLENCE FOR ANOTHER 50 YEARS AND BEYOND

With generous support from our alumni and friends, Western Law can continue to prepare national and international leaders in the practice of law, in business and in the public service, and further the interests of the rule of law both in Canada and abroad.

For more information please contact:
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Room 214, Law Building
Tel: 519-661-3953, Mobile: 519-466-2513
E-mail: mcharits@uwo.ca

The University of Western Ontario
Western’s Faculty of Law is giving voice to the most vulnerable victims of war through its international law internship program. Working with courts established for war-torn countries such as Sierra Leone, students are helping judges review cases involving horrific war crimes – including the brutalization of children kidnapped and brainwashed into serving as soldiers.