

Fall 2006

# UBC | LAW ALUMNI MAGAZINE

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## Law School Reconsidered

LEGAL EDUCATION IN THE 21<sup>ST</sup> CENTURY

## The Three Rs Reexamined

UBC LAW GETS A NEW CURRICULUM

## Roads Less Travelled

JIM POZER ON THE EIGHTFOLD PATH

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THE  
UNIVERSITY OF  
BRITISH  
COLUMBIA



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UBC Faculty of Law

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*UBC Law Alumni Magazine* is published twice a year (Fall and Spring) by the UBC Faculty of Law; 7,500 copies are distributed to UBC Law alumni via direct mail.

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Publications Mail Agreement Number  
41130018

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UBC Faculty of Law  
1822 East Mall  
Vancouver, BC V6T 1Z1



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# MESSAGE *from the Dean*

Greetings from UBC Law and welcome to the third issue of the *UBC Law Alumni Magazine*.

With this issue, your alumni magazine engages more fully in important substantive discussions about legal education and the legal profession. We begin with a subject close to home: the significant and longstanding debate about the role of the law school in the legal profession and society. We devote two articles to the topic in this issue.

The cover story focuses on the oft-held debate about the role of law schools. The Arthurs Report<sup>1</sup> in Canada and the MacCrate Report<sup>2</sup> in the United States represent two comprehensive efforts to grapple with this important topic. We take a more focused approach here. We gathered six prominent alumni to debate the role of law schools today, asking some tough questions and receiving some thought-provoking answers.

Our second feature deals with our institutional response to the need to ensure that legal education continues to prepare students for leadership in our profession and beyond. UBC Law recently adopted its first major curricular reform in nearly a quarter century, effective this September. The article gives some insight into the major features of the new curriculum, which include significant changes in first-year class sizes, the introduction of multiple writing assignments to first-year courses, changes in the first-year course coverage and the imposition of new substantive course requirements for upper-year students. We are excited about the ways in which this new curriculum will affirm UBC Law's leadership in Canadian legal education.

As always, our regular features include a message from the Alumni Association President, the Honourable Jon Sigurdson; The Road Less Travelled column; our Report on Giving section; and news about faculty, students and alumni. Our Class Notes section brings you up-to-date on your classmates' lives. This issue also includes your letters to the Editor, in a regular feature called Re-Torts.

We hope that you continue to find the *UBC Law Alumni Magazine* insightful and interesting. We welcome your feedback and ideas. Drop us a line at [alumnieditor@law.ubc.ca](mailto:alumnieditor@law.ubc.ca).

Warm regards,



**MARY ANNE BOBINSKI**  
Dean, UBC Faculty of Law



<sup>1</sup> [Law and Learning: Report to the SSHRC by the Consultative Group on Research and Education in Law](#) (Ottawa: SSHRC, 1984)[Chaired by Professor Harry Arthurs].

<sup>2</sup> American Bar Association, Section of Legal Education and Admissions to the Bar, [Legal Education and Professional Development: An Educational Continuum, Report of The Task Force on Law Schools and the Profession: Narrowing the Gap](#) (July 1992) [commonly known as the MacCrate Report], available online at <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html>.

# Re - T O R T S

## Letters to the Editor

Get involved with your alumni magazine—send us your questions, complaints and comments about the magazine and we'll publish the best, the worst and a few in between. Contact Alumni Editor, UBC Law Alumni Magazine, 1822 East Mall, Vancouver, BC V6T 1Z1 or email [alumnieditor@law.ubc.ca](mailto:alumnieditor@law.ubc.ca). Here are some of your letters....

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### FROM NEIL J. STEWART

UBC Law 1951

*Congratulations on the Spring 2006 issue of the Alumni Magazine. I am certain you will hear from many who were as impressed as I was with the news, the photography and the entire get-up of this magazine. I receive and read publications from other universities... Your latest effort is not just commendable—it is the best and most refreshing I can remember reading.*

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### FROM THOMAS S. WOODS

UBC Law 1987

*The content that you have assembled for the issues of the magazine that I have seen (Fall 2005, and Spring 2006) has been topical, well-written, informative and interesting. (I was especially pleased to see the contributions of two of our fallen leaders—the Honourable Lloyd McKenzie and Dean George Curtis—celebrated so warmly.) The substantive strength of the magazine is matched by a very*

*modern and aesthetically appealing presentation. The page layouts, use of attractive typefaces and illustrations, and the overall "look and feel" of the magazine create a very positive impression. In other words, form has merged perfectly and seamlessly with substance to yield a publication that stands out from the many others vying for a similar readership and that delivers content that is important, artfully written and effective in keeping the law school and its progeny in touch with each other.*

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### FROM

**P. ANTHONY McARTHUR**

*I read with interest your article in the Spring '06 issue of your publication regarding the 25<sup>th</sup> anniversary of UBC's Centre of Asian Legal Studies.*

*While the article provided a summary of much of the history and development of the Centre, unfortunately it contains factual mistakes and omissions. The article states "that first course in Japanese law was launched by Professor Malcolm Smith ...." While*

*Professor Smith's contribution to the development of the Centre was valuable, he did not launch it. The program was launched by the late Mr. Justice Lysyk, together with Professor Akio Morishima, of Japan.*

### DEAR MR. McARTHUR,

Thank you for your letter regarding the origins of UBC Law's Centre for Asian Legal Studies. As with most programs, the Centre has gone through many transformations since its inception. The faculty members involved with the Centre were not with UBC Law in the early 80s when the program began and therefore were unaware of the late Justice Lysyk's involvement in the creation of the Centre. Justice Lysyk was Dean of the

Faculty of Law from 1976 to 1982. We understand that in 1980 Justice Lysyk brought in Professor Akio Morishima from Nagoya University in Japan to develop and launch the first Japanese law course at UBC. This forged the way for the Centre and without the foresight and interest in the Pacific Rim by the late Justice Lysyk, the Centre would not be what it is today, a renowned program with the largest group of academics teaching and researching Asian legal issues in Canada. Thank you for bringing this to our attention. The article was intended to celebrate and acknowledge the contributions of those who participated in the Centre's humble beginnings and we wish to recognize the contributions of the late Justice Lysyk and Professor Morishima.

It is with great sadness that we note the passing of former faculty member Professor **MALCOLM SMITH** on June 22, 2006. The Founding Director of the Japanese Legal Studies Program at UBC Law, Mal (as he was affectionately known to his friends and colleagues) came to us in 1981, returning to his native Australia in 1987 when he became the Founding Director of the Asian Law Centre at the University of Melbourne. He will be missed by Asian Legal scholars everywhere.

# MESSAGE *from the* UBC Law Alumni Association President

**On behalf of the Board of Directors of the UBC Law Alumni Association, I extend best wishes to all graduates of the law school.**

This is now the third issue of the *UBC Law Alumni Magazine*. I hope that you agree with me that it is an excellent vehicle to help build and maintain the strong connection between the law school and its graduates.

UBC Law has and deserves a fine reputation for the quality of its curriculum, faculty, students and graduates over the last 60 years. Under Dean Bobinski's leadership, that reputation has continued to grow and the UBC Law Alumni Association is dedicated to assisting and enhancing that reputation. The UBC Law Alumni Association would like to congratulate Dean Mary Anne Bobinski for her strong leadership on many fronts, including distinct progress in addressing the faculty's infrastructure, and the commitment to alumni relations exemplified by the creation of a magazine of this quality.

The UBC Law Alumni Association is pleased to welcome the University's new President, Stephen Toope who, we are delighted to observe, will also be a member of the Faculty of Law at UBC. As the past Dean of Law at McGill University and then head of the Trudeau Foundation, Professor Toope has shown the kind of leadership that should ensure him the same success as UBC President that his predecessor, Dr. Martha Piper, enjoyed.

The purpose of the UBC Law Alumni Association is, at least in part, to improve the bond between UBC Law and its graduates, to properly recognize the achievements of its graduates, and in so doing enhance the reputation of the law school. In furtherance of that goal, the UBC Law Alumni Association has in the last two years presented awards to recognize the lifetime achievements of the Honourable Frank Iacobucci and the Honourable William Esson, as well as the distinguished accomplishments in research of Professors Michael Jackson and Christine Boyle. This spring we also presented awards of distinction to Ralston Alexander, QC and Thomas Woods, and a "young alumna" award to Sharon Matthews.



In the spring of 2007, the UBC Law Alumni Association will present awards again, and I encourage you to consider which of our classmates and faculty members are appropriate candidates, and to nominate them. You can check our website this fall for details: <http://www.law.ubc.ca/alumni>.

The UBC Law Alumni Association has held several other events this past year, gathering alumni not only in Vancouver, but also in other Canadian cities including Toronto and Calgary. Events in these cities were well attended and were graced by the appearances of the Right Honourable Chief Justice Beverley McLachlin and the Honourable Frank Iacobucci respectively. Most recently, the association hosted the annual fall lunch and welcomed UBC's new president, Stephen Toope, to be our distinguished guest and speaker.

In the months ahead, you will see UBC Law Alumni Association articles in *The Advocate* and in *The Legal Eye*, the UBC Law student newspaper.

The Association can now provide support for the organization of reunions. For particulars, please check out the website (URL above). We congratulate Dean Bobinski for her initiative in inviting the classes in five-year intervals from 1951 through 2006 to celebrate their 55<sup>th</sup>, 50<sup>th</sup>, 45<sup>th</sup>, etc. down to 5<sup>th</sup> reunion on September 28, 2006.

The UBC Law Alumni Association pursues its activities with a very active Board. The current members, in addition to myself, are:

Rod Urquhart (Vice-President)	Craig Jones
Anna Feglarska (Secretary)	Kat Kinch
Mark Fancourt-Smith (Treasurer)	Derek LaCroix, QC
Suzan Beattie	David Lunny
Dan Bennett	Lisa Martz
Professor Joost Blom, QC	David Miles
Dean Mary Anne Bobinski	Judy Pozsgay
Peter Brown (Past President)	Professor Emeritus Bob Reid
Garret Chan	Katie Seymour
Ruby Chan	Warren Smith
Jennifer Conkie	The Honourable Mr. Justice
Professor Robin Elliot, QC	James Williams
Kerry Grieve	

We encourage you to attend our spring awards dinner. Please get involved in UBC Law's events.

A handwritten signature in black ink, appearing to read "Jon Sigurdson". The signature is fluid and cursive, written over a white background.

THE HONOURABLE  
JON SIGURDSON

President,  
UBC Law Alumni Association

# (RE) Considering the Role of Law Schools

SIX LEADERS ENTER THE DEBATE

With an introduction by Dean Mary Anne Bobinski

RON STERN



RICHARD PECK, QC



MADAM JUSTICE  
RISA LEVINE



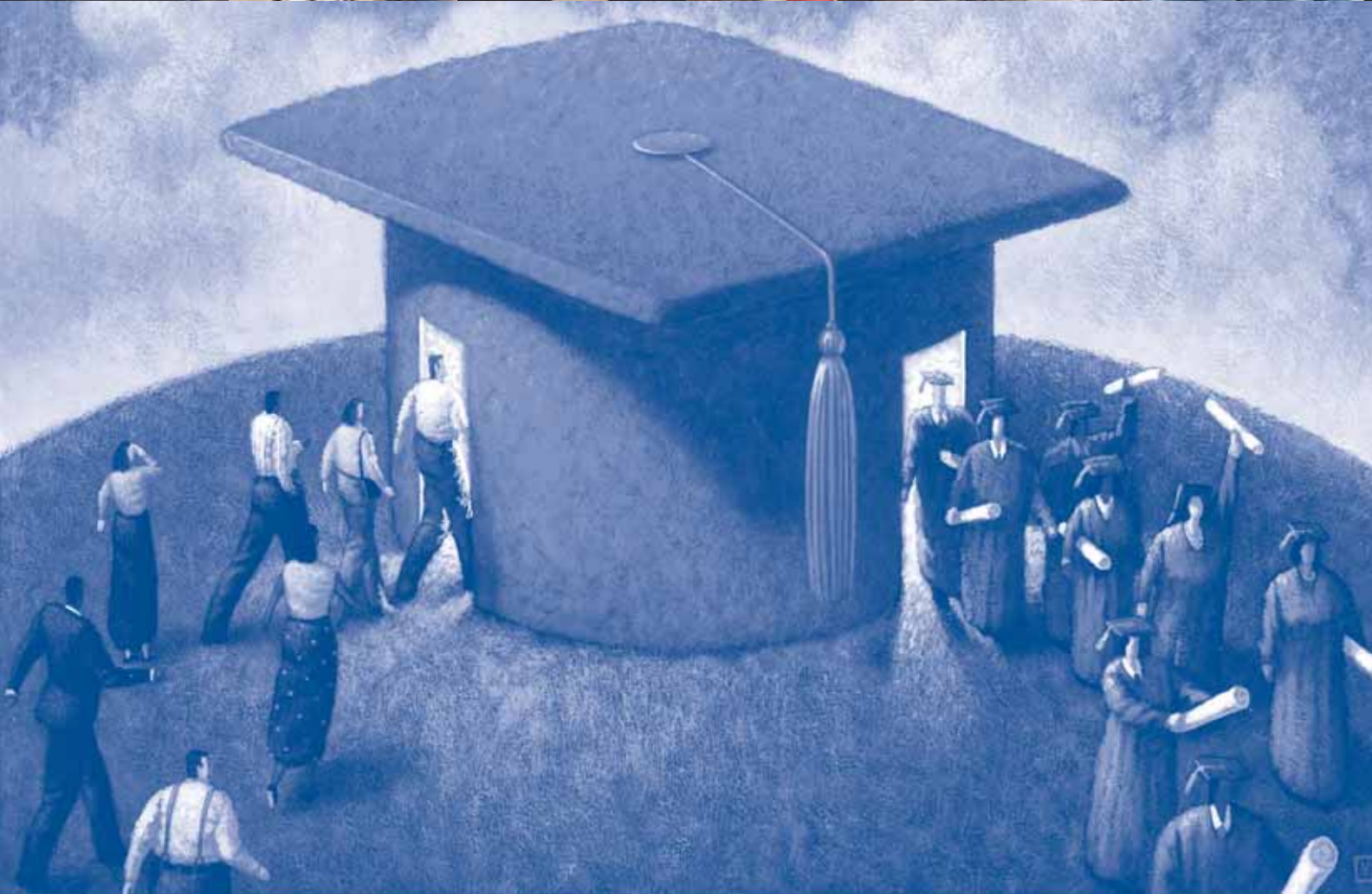
JIM TAYLOR, QC



ROB McDIARMID



KIM BROOKS



## Introduction by Dean Mary Anne Bobinski

As UBC Law's Dean since 2003, I have been delighted to meet with alumni throughout the Lower Mainland, across Canada and around the world. I've heard a new graduate's sense of excitement and trepidation in carrying out her responsibilities to her clients, a seventy-year-old's still vividly painful memories of the first time he was called upon to recite the facts of a case in class, and everything in between. These conversations inform my understanding of UBC Law's role in transforming the lives of our students and then the lives of their clients, the profession and the society in which they practice.

Invariably, the personal becomes prescriptive. Our graduates have views, many views, on what law schools like UBC have done right—and what we have done not-so-perfectly (to use a cautious administrative phrase). I have been amazed and honoured by the time and wisdom that so many graduates have offered in the past three years. My quick phone calls turn into hour-long discussions, a casual chat at a professional event becomes an excited debate between four lawyers and a meeting in a law

firm conference room finds two senior partners with strongly held (and diametrically opposed) views about the merits of UBC Law's curriculum and pedagogy.

Looking in from the outside, critics often conclude that law schools have missed the mark, though there may be agreement on little else. Law schools are too practical. Too theoretical (and too much of the wrong sort of theory!). Too focused on black letter law. Too focused on social justice. Too many mandatory courses. Too many electives. Some critics hold their own legal education as the gold standard against which current schools are measured. Others watch globalizing forces change the very nature of legal practice and wonder how any law school can possibly prepare students adequately for a career in the new millennium. Even though we largely agree on this goal, the specifics of the road ahead remain hotly contested.

I've learned a great deal from these conversations. First, our graduates (and members of the profession more generally) believe that what law schools do is important to the future of the profession and society. Second, there is a fair degree of concern about whether law schools, UBC included, are doing what they should to prepare students to enter the profession. Third, there is a multiplicity of views about what law schools should do to best prepare their

“Our graduates (and members of the profession more generally) believe that what law schools do is important to the future of the profession and society.” DEAN MARY ANNE BOBINSKI



students. Fourth, there is a strong interest in knowing more about the Faculty's response to these concerns. This issue of our alumni magazine focuses on these important issues.

We decided to gather six distinguished alumni together to debate the role of the law school in the 21<sup>st</sup> century. A modern-day philosopher's café, these conversations took place with much technological assistance and over two afternoons in May and June (just try to get six legal professionals in the same room at the same time). We prepared some questions to get the discussion started, but our participants needed no assistance in delving into the subject matter. We tackled issues ranging from the law school as a trade school to the law school as an enclave for theoretical exploration—as well as whether there is really any difference between those two views.

**DEAN BOBINSKI:** I would like to hear your perspectives on what you think the role of the law school should be today.

**ROB McDIARMID:** My view, which is consistent with the Law Society's mandate, is that law schools should be turning out people who can serve the public properly as lawyers. They should not be turning out people—maybe a few but not many—who will be academics. Master's level fine, but not at a bachelor's level.

**JIM TAYLOR, QC:** I think what law school does best is to hone young minds intellectually, teaching basic concepts and their inter-relationships. A sound theoretical understanding of these issues means addressing the way these concepts are applied. In my mind, no good theory can be impractical. That's what a law school should spend its time doing and it should leave the other things to other people.

Reproduced here are excerpts from my first roundtable discussion with BC Court of Appeal Justice Risa Levine (1977), lawyer-turned-business leader Ron Stern (1972) and UBC Law Assistant Professor Kim Brooks (1997); along with my second round-table event with commercial litigator Jim Taylor, QC (1968), Law Society of BC President Rob McDiarmid (1975) and criminal lawyer Richard Peck, QC (1974). Did we resolve the debate once and for all? Not a chance. Did we deepen our engagement with the questions? You bet. Read on—we hope you'll join in the discussion and debate.



**ROB McDIARMID:** I didn't mean to suggest that we shouldn't be looking at theory of law ... but there's a tendency at times to get off into areas that ... might be of intellectual interest but for 95 percent of those practising law, they're not going to come up very often. So the trick is to make sure that the courses assist the lawyer in providing information to the public.

**RICHARD PECK, QC:** I'm sort of between the two of you because I think that there's a certain agility of mind that's required to practise law at a decent level and I'm not sure that that comes solely from a purely theoretical training or a purely trade school approach. I think there has to be a blend. I worry at times about students coming out of law schools who ... aren't really equipped to deal with the vagaries of practice.

**JIM TAYLOR, QC:** I'm supportive of law schools doing two things that are practice-oriented. First ... the trial advocacy program taught by giants of the litigation bar. Students get a reasonable amount of supervision, criticism and feedback and I really don't think that happens very much in articles any more. Second, the examination of practice issues such as drafting, fact analysis, what it means to interview, what it means to deal with a person who's got particular problems. To me, that's the principal justification for legal clinics.

**DEAN BOBINSKI:** So we can all agree that law schools have an obligation to ensure that our graduates are prepared to enter the profession, but what does this really mean?

**RON STERN:** The key thing is that your graduates leave with a serious knowledge of what the rule of law means, some substantial understanding of the basic legal principles, what legal institutions are about and what you are trying to achieve as a lawyer. Next, certain skills in terms of critical analysis. And then I would start getting into more specific areas of knowledge.

**MADAM JUSTICE LEVINE:** It's hard to improve on that structure. I see the mission of the law school in a very similar way. It is to inculcate an understanding and appreciation of our legal and judicial system, the basic principles of the rule of law. I see the law school more as an academic institution than a trade school. Skills in drafting, negotiating and advocacy ... are all important, but I'm not sure that the law school is the best place for those things to develop.

**KIM BROOKS:** There's lots of what I like in what both Ron and Risa have said. What law schools are ideally situated to provide students is that broad perspective you just never get to see once you're in practice. So providing students with a sense of the importance of law and its function in society. The other two things that seem to me to be really important are ... to evoke curiosity in learning ... and discipline in thinking.

“The mission of the law school ... is to inculcate an understanding and appreciation of our legal and judicial system, the basic principles of the rule of law.” **MADAM JUSTICE LEVINE**



# The debate on exactly how and what to teach is as old as it is essential:

In early Rome, the jurists' [or lawyers'] legal authority rested primarily not on their official position, but on their accumulated knowledge of law and experience in manipulating it. At first, they transmitted their methods and results from generation to generation internally through writing and informal teaching. In the middle of the 1<sup>st</sup> century AD, a division occurred in the profession, the leading lawyers grouping themselves into two schools. The rival schools did not differ in organization but in outlook and method. (The Oxford Classical Dictionary, 2003)

**RON STERN:** I think we're going in a direction that will create a false controversy. I don't think it's about academic versus trade school. I think the law school has to be able to achieve both purposes in terms of providing the best grounding for really outstanding practitioners.

**JIM TAYLOR, QC:** My experience in law school was, except for a few bad teachers, that everything I took was theoretical. The distinction between practice and theory is not one I enjoy talking about, it's not one I accept, and to call something "Law and" doesn't make it any more theoretical than any other law school course.

Professor Michael Trebilcock, a noted law and economics scholar from the University of Toronto, visited the "black letter" Creditor's Remedies class I was teaching at UBC one day. That day, we were looking at a proposal made by the Law Reform Commission to repeal wage garnishment and so we discussed what the world would look like if we didn't have wage garnishment. Some people could not get credit any more, all poor-risk credit costs would increase, etc. Now to me, that is what lawyers do. They pull apart a problem, they discover its complexity and then when they know that, they try to fashion a solution. After you know how complex problems are, the solutions are always much more practical. And after the class, Trebilcock said to me, "Well, that's law and economics!" So the distinction between theory and practice is one...I've never been comfortable with. Prof. Trebilcock and I had a good laugh.

**DEAN BOBINSKI:** Assuming we were able to agree on a broad definition of what a law school education should look like, we would then want to grapple with what this would mean for our curriculum, as our school has done over the past several years. For example, should we require students to take certain courses or should we just make these courses available and give students the information they need to make good choices? The first year of law school consists of required courses. How much more of the curriculum should be prescribed?

**MADAM JUSTICE LEVINE:** The program should require students to study the important building blocks to our legal system—at least a basic introduction to all the important areas of the law.



“The key thing is that your graduates leave with a serious knowledge of what the rule of law means, some substantial understanding of the basic legal principles, what legal institutions are about and what you are trying to achieve as a lawyer.” **RON STERN**



**KIM BROOKS:** There are particular things that ideally we should require but in some ways, what's important to me is detached from particular substantive areas. I worry that we don't leave students thinking creatively ... about how to problem solve. But that's not solved whether you take corporate law, family law or criminal law. I worry that students ... take a whole bunch of general survey courses, which are great, but they don't take courses that develop sophisticated thinking skills in any particular area, which is important. I don't worry so much about the precise scope of the substantive areas in the upper-years but I think they should be required to take an advanced course or two in a specific discipline.

**MADAM JUSTICE LEVINE:** Well, if you come into law school with the idea that you're only going to practise criminal law and all you study is criminal law, you're not going to have an understanding of the broader legal principles that make up our legal system. I've always felt that it's really important for law students to be exposed to all the important areas of the law because they all interrelate.

**RON STERN:** I think you can have advanced classes, but I don't think it's an inappropriate burden on students to say, "Even if you think you're going to do criminal law, you're still going to have some level of appreciation of property law." You know what, I would say two-thirds required, one-third optional is not unduly harsh.

**ROB McDIARMID:** The Law Societies don't have any business telling law schools what to teach or not teach. Mind you they do have an obligation, I think, to tell students what they're going to need to know to get into the Law Society.

**JIM TAYLOR, QC:** I could identify the courses that I think ought to be mandatory. I think UBC law school has pretty well had them in the first year courses with, for example, Property Law. There are some courses that aren't mandatory that are nonetheless important such as Agency. Trusts is another good example. As a commercial litigator, I deal with trusts all the time. And it's not just that you can sit down with a book and learn something about trusts. To be able to manipulate and use and understand them I think is very, very important.

**RICHARD PECK, QC:** It seems to me that apart from a few stars in every law school, the vast majority of students coming out don't really know in what area of practice they're going to end up. Some think they do, and how wrong one can be! When I left law school, I had some idea that I was going to be a corporate litigator. And of course what determined my fate was where I got articles. So it seems to me that if that's the case, then the broader the base of compulsory courses, the better these students are going to be equipped—keeping in mind what I said about the balance between the academic and the practical. They're paying to be educated.

**“The ability to be independent is critical for a lawyer who goes up against the State every day.”** ROB McDIARMID

“The broader the base of compulsory courses, the better these students are going to be equipped—keeping in mind what I said about the balance between the academic and the practical.” RICHARD PECK, QC

**DEAN BOBINSKI:** Rick, your comment about how people don't know where they are going to end up reminds me of something our founding Dean George Curtis once said: “Law schools are not teaching or laying the foundations for practising tomorrow morning. You've got to think twenty years ahead if you can.” Students think they know where they are going, but the law itself is changing so rapidly that we must prepare our students for fields of law that might not even exist today.

**RICHARD PECK, QC:** Well, that is why one of my comments was agility of mind, being taught how to think in an agile way, because you're right, the law is constantly changing .... The huge dynamic in the change in criminal law has been the *Charter of Rights and Freedoms* .... But the fundamental core concepts still exist, and I suspect that is still basically true of tort law ... contract law and other areas.

**DEAN BOBINSKI:** How do you think that law schools should prepare students for issues like ethical and professional responsibilities?

**ROB McDIARMID:** One area that seems neglected ... is professional responsibility and ethics. I understand there is a course at UBC?

**DEAN BOBINSKI:** Yes, an upper-year elective course.

**ROB McDIARMID:** That's something that should be at an upper level, and maybe it doesn't need to be a whole course. One or two hours per term per course dealing with ethics relevant to that course. The core values of the legal profession—independence, the conflicts rule, confidentiality—how much are those stressed? The ability to be independent is critical for a lawyer who goes up against the State every day. And big commercial law firms don't like the conflicts rule and yet it's a core value and we need to make sure that it's taught in all courses in some way.



**DEAN BOBINSKI:** The model that UBC has tried to use for many years is to infuse legal ethics and professionalism throughout the curriculum so that these things would be taught in every course. We're adding a new program this year. The first-year professionalism component will ensure that everyone learns fundamental things about the legal profession and professional responsibility early in law school.

**JIM TAYLOR, QC:** The theory behind integrating ethics throughout the curriculum is that ethics problems don't arise in the classroom, they arise in a criminal case...in a real estate case.... So you find an area of each particular course rich in that sort of a problem and then you... develop a sub-unit on professional responsibility relevant to that topic.

“It's important for law schools to introduce to students the idea that they are going to be called upon to come up with solutions that go beyond their previous comfort zone.” **KIM BROOKS**

**DEAN BOBINSKI:** How should the law school deal with the impact of globalization?

**ROB McDIARMID:** Another area that is changing rapidly is the internationalization of law. And not just in Vancouver. I live in Kamloops and we have lots of institutions that are contracting off-shore in communist China. So the principles that students are being taught are going to have to be flexible enough to accommodate those legal systems, which are at the moment largely incomprehensible to us. Incidentally... the demand seems to be... for lawyers in common law countries, which suggests that our training is pretty good. Americans, English, Canadians, we're in demand worldwide.

**MADAM JUSTICE LEVINE:** I think... exchange programs... are a very good way to develop an appreciation for our legal system through comparison, and to help law students develop the skills to operate on a global basis. Law students are still mainly in their twenties, I guess, and seem to have an insatiable appetite for travel. The world is a very small place to them.

**RON STERN:** Anybody who has worked in countries where there isn't a real rule of law learns pretty quickly what a wonderful, if imperfect, system we have.

**KIM BROOKS:** Globalization affects all of this. It's important for law schools to introduce to students the idea that they are going to be called upon to come up with solutions that go beyond their previous comfort zone. An increasingly international world enables us to consider what is happening in other jurisdictions so that the problem-solving capacities of our students are potentially greater today than at a period where we were tempted to get locked into having “the answer” because all we learned was what's happening in our own domestic areas.





**DEAN BOBINSKI:** Law schools are the entry point for people wishing to practice law, but they are not the only places where legal education occurs. How should the law school's role be meshed with education provided by the Bar admission course, the articling process, CLE, graduate legal education and so forth?

**RON STERN:** We should look at what is happening in the firms and in Continuing Legal Education. What takes place after law school? If the Bar admission class has a lot of rigour... certain tasks are less of a consideration for law schools. We should see things as a whole so that you can then say, "Are we getting the desired outcomes?"

**MADAM JUSTICE LEVINE:** Or are we, the law school, doing our part? I think that's a wonderful way to think of it because when you have a discussion like this, we're focusing on the law school and we tend to look at the law school as having to be all things to all future lawyers. I don't think the law school can do everything.

**RON STERN:** I think it's really important what happens to a member of the public who walks into a law firm, whether it's rural BC or downtown Vancouver, and says, "This is something that I have to deal with. Can you help me?" And somebody really can. Law schools are the institutions that, to a large measure, say: "You are qualified to practise law. A member of the public can come and rely on you."

What are the priorities the law school wants to achieve? I say... stay with a range of courses that provides a real appreciation of different areas of law so that before you come to clinical problems, you have covered off legal institutions, basic constitutional law, basic contract law, basic tort law, basic property law, basic corporate law, basic criminal law. I think you can do it all. Students graduate as lawyers, not just "kind of" lawyers. You can't say "LL.B. except for property law."

**MADAM JUSTICE LEVINE:** In a way, I think that's the most difficult task for the law school – teaching students to go out and be sole practitioners or know how to solve what Ron described as the most important legal problems most people have. Issues like your teenage son is arrested for impaired driving—issues like that are important for people.

“I think what law school does best is to hone young minds intellectually, teaching basic concepts and their inter-relationships.” JIM TAYLOR, QC

**JIM TAYLOR, QC:** There’s a well-known law school in California that spends three years essentially teaching the California bar exam. Many years, they get more people through the California bar on their first attempt than any other law school in California. Stanford spends three years teaching anything but something that is on the California bar exam ... and Stanford usually gets a lot of people through the California bar but sometimes they are behind this other school. But I think if any of us were to hire a student from one of these schools, I suspect we’d hire the Stanford graduate because we’d just assume that the basic quality of what had been done to their mind would be better than what had happened at the other school.

I think there’s a huge lesson there for the law school. I know that a lot of my colleagues in the profession disagree with me. I’ve had a lot to do with practical professional education. I designed the PLTC program and was its first director, and I was the first director of the clinical program ... at UBC ... and I have great enthusiasm for those initiatives. But I think a law school should do what it does best, which is hone the mind, and I think they should leave the other things for post-law-school education and training. We do it now through PLTC, we do it through articles, we do it hopefully through giving experiences to young people that can’t be billed out. But that’s where the responsibility has got to lie. I think the law school that tries to teach practice ... serves itself and it serves us badly. If the deficiency is in the training, then we have to find a way as a profession to train.

**ROB McDIARMID:** How can you say that, though, when 95 percent come out of law school and go into practice? I mean, that makes no sense.





**JIM TAYLOR, QC:** I use the medical school example, internship and residency, because it has become so stark to me how much they do train and how we do relatively little. I think it's because the financial underpinnings of the systems are different and I don't know that I see a solution.

**ROB McDIARMID:** Certainly the profession recognizes that skill training is something that you do during articles but we have to have a basis in the law that's going to help graduates in ... practice. It's not enough to say that they can understand ideas. Ninety-five percent of them are foisted on clients, relatively quickly, and so law schools needs to prepare them for that.

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It seems fitting to end these excerpts from the debate on a well-argued clash of views. The range of topics covered in this lively discussion is reflected within the Faculty of Law itself. As reported elsewhere in this issue, the Faculty recently completed a multi-year review of its first-year and compulsory curriculum. The impetus for these reforms came from within—from the academic leadership of our faculty

and the needs of our students. But our new curriculum has also been enhanced by the process of engaging with members of the profession about the law school's role. In some sense, our new curriculum is the Faculty's response to the questions raised in this article. We hope you enjoy reading about UBC Law's new curriculum and that you continue your interest and engagement in the Faculty's vision for the future. ●





# The Three Rs

# RE EXAMINED

## UBC Law Gets a New Curriculum

### REVIEW

In 1945, founding UBC Law Dean George Frederick Curtis drafted a curriculum on a slip of Hotel Vancouver stationery and a law school was born. In his own words, “Practically nothing but the ‘core’ subjects were offered,” and everything was mandatory. In that inaugural year, the student-teacher ratio was 43 to one, with 86 students divided equally between Dean Curtis and Professor “Pappy” Read. The ratio reached 100 to one by the third year of operation as the post-war law student population exploded to 409 and only two additional faculty members were hired to help shoulder the increased load. Fortunately,

the Faculty had the generous support of members of the Bench and Bar, whose spirit of collaboration continues to this day.

Diana Priestly, UBC Law graduate (1950) and Canada’s first professional law librarian, recalls “dramatic changes” during the 1950s when a number of new faculty members, fresh from graduate school, began conducting small seminars in their areas of specialization. “We were no longer teaching the big classes,” Priestly says in Wesley Pue’s *Law School: The Story of Legal Education in British Columbia*, “and they had brought in the idea of having some choice in the courses for students.”



Table 1

By the late 1960s, a broad base of electives was the order of the day, not only at UBC but in law schools North America-wide. By the '80s, the prevailing culture favoured students' right to design the shape and scope of their own legal education by the courses they chose; at UBC, there were almost no required courses on the slate after first year.

It was in fact a committee of students that first met in 2002 to draft a series of recommendations for curriculum reform at UBC Law. Their proposals, however, came as a surprise to some: Greater guidance. Fewer electives. More mandatory courses and more experiential learning. More direction in navigating the path by which they would become practitioners in a field that is being revolutionized by forces like globalization and novel science – a field in which students must somehow train for careers that don't yet exist.

## RENEW

UBC Law Dean Mary Anne Bobinski made curriculum reform one of her top priorities when she took over the leadership of the Faculty in 2003. Since then, she has made it part of her vision for the school to provide a program that equips students for the emerging challenges of the legal profession by offering an intellectual challenge paired with a solid foundation in legal principles. Any curriculum is by nature a statement from the Faculty of the role it believes a law school should play in preparing students to take their place within the profession; its influence will impact the school itself for years to come, and its legacy will touch not only those students who come through the school, but also every individual, issue and organization those students come in contact with throughout their careers.

Each member of the current Faculty has had a hand in shaping the new curriculum, and students have played an integral role in the discussion of ideas and theories about education, innovation and pedagogy throughout this multi-year process. Instrumental in guiding

### UBC LAW CURRICULUM REFORM COMMITTEE 2003-2006

2003-04	2004-05	2005-06
Michelle LeBaron, <i>Chair</i> Christine Boyle, <i>faculty</i> Ljiljana Buikovic, <i>faculty</i> Ron Davis, <i>faculty</i> June McCue, <i>faculty</i> Karin Mickleson, <i>faculty</i> Judy Mosoff, <i>faculty</i> Peter Ramsay, <i>faculty</i> Annie Rochette, <i>faculty</i> Tony Sheppard, <i>faculty</i> Sharon Sutherland, <i>faculty</i> Ian Townsend Gault, <i>faculty</i> Joe Weiler, <i>faculty</i> Claire Young, <i>faculty</i> Alan Treleaven, <i>Representative,</i> <i>Law Society of BC</i> Nancy Wiggs, <i>staff</i> Deanne Saunders, <i>staff</i> Jason Fisher, <i>student</i> Hollis Bromley, <i>student</i> Sarah Jones, <i>student</i> Tim Radcliffe, <i>ex officio</i>	Catherine Dauvergne, <i>Chair</i> Joost Blom, <i>faculty</i> Doug Harris, <i>faculty</i> Michelle LeBaron, <i>faculty</i> Judy Mosoff, <i>faculty</i> Peter Ramsay, <i>Representative,</i> <i>Law Society of BC</i> Deanne Saunders, <i>staff</i> Claire Young, <i>ex officio</i> Sarah Batut, <i>student</i> Tim Radcliffe, <i>research assistant</i>	Catherine Dauvergne, <i>Chair</i> Christine Boyle, <i>ex officio</i> Kim Brooks, <i>faculty</i> Shi-Ling Hsu, <i>faculty</i> Doug Harris, <i>faculty</i> Peter Ramsay, <i>Representative,</i> <i>Law Society of BC</i> Sarah Batut, <i>student</i> Chris Little, <i>student</i> Karen Higginson, <i>staff</i>

the reform process has been the UBC Law Curriculum Committee (see Table 1 for a list of members). Comprised of faculty, practitioners and students, the Committee was headed in its first year by Professor Michele LeBaron and its second two years by Associate Professor Catherine Dauvergne.

Dean Bobinski tasked the committee with sorting through all of the available ideas and developments in legal education and university pedagogy, and achieving consensus within the Faculty about choosing the best innovations for UBC Law. The Faculty’s objectives were twofold: to provide UBC Law students with stronger guidance so that they could make informed choices about their legal education; and to position the school and its graduates firmly in the 21<sup>st</sup> century, able to address contemporary global trends in law and society.

UBC Law took its cues on curriculum reform from the best and brightest minds in the field. One simple yet significant finding was that people learn more if they are active participants in the learning process. The ripple effects here will be a redistribution of resources in order to teach first-year classes in smaller groups, and an enhancement of the legal research and writing (LRW) program.

Curriculum reform is known to incite the kind of passionate debate usually reserved for courtroom dramas. When Professor Dauvergne led a curriculum review process at the University of Sydney in 1999, one faculty retreat regressed into a food fight—and not for fun. The recent process at UBC could reasonably be described as “heated;” although the Faculty and committee members were unanimous in their support for reform, they differed on the nature of the changes to be made. Change pushes most of us out of our comfort zones and into uncertainty, but UBC

Law felt keenly its obligation to respond to the immense shifts that have taken place in both the profession and in university pedagogy. It was time.

Looking at law school curricula across Canada and over time, UBC’s has always fallen securely within the greater continuum, has responded effectively to the social, economic and other forces that help shape the practice of law, and has consistently produced graduates who have risen to the top of their respective fields. Its position on the continuum changes now—for the first time in a quarter century—with the start of the 2006-07 academic year. Hallmarks of UBC Law’s new curriculum are an expansion of the range of subjects taught in first year, an increase in the number of mandatory requirements (see Table 3), a diversification of evaluation methods designed to accommodate a broader range of learning styles, and smaller classes. First-year classes will be taught in groups of 40 students; only one course each year—for now, Constitutional Law—will be offered in larger groups. Students will have more direct contact with instructors and more opportunities for detailed feedback in a range of study areas. This particular shift will provide a platform for an enhanced legal research and writing program, whereby students will complete 18 assignments in their first year alone. Legal writing is critical to success and confidence in the practice of law, and so enhancements to the LRW program are a key element of the reforms in all years. Upper-year students will, in addition, enjoy a breadth of recommended elective offerings designed to prepare them for new and emerging areas of specialization.

Table 2

PAST First-Year Required Courses from 1990 to 2005-06
Contracts
Criminal Law & Procedure
Legal Institutions of Canadian Government
Legal Writing & Moot Court
Perspectives on Law
Real Property
Torts

Table 3

PRESENT First-Year Required Courses as of 2006-07
Contracts
Criminal Law & Procedure
Canadian Constitutional Law
The Regulatory State
Law in Context
Property Law
Torts
Transnational Law

There was a time when a law faculty could assume the majority of its graduates would practise within the borders of the province in which it was situated, if not in the city itself. But the old rules no longer apply. Legal practice in Canada is undergoing a revolution, and students look both nationally and internationally for creative opportunities in which to apply their legal education. As well, Canadian Courts are turning more often to international law as an interpretive source for Canadian law.

For these reasons, a new obligatory half-year course has been incorporated into the first-year program, called **Transnational Law**. (Upper-level courses on **Public International Law** and **Conflict of Laws** will remain as elective options and will not duplicate the Transnational Law materials.) While the change may seem avant-garde, in fact it returns UBC Law to its roots—Dean Curtis included a compulsory International Law course in his 1945 curriculum—and puts UBC in good company. The University of Michigan was the first to introduce Transnational Law and to make it compulsory, other American ivy league schools have followed, and the University of Toronto offers Canadian Approaches to International Law in its first-year program.

The new course also corresponds directly to UBC’s strategic plan, entitled *Trek 2010: A Global Journey*, in which UBC declares a commitment to global citizenship, notably one of the first Canadian universities to do so.

A second new compulsory course is **The Regulatory State**. Also half a year in duration, it requires students to conduct in-depth legal research and write well-reasoned documents that apply theories of statutory interpretation to discrete problems arising in specific areas of the law.

**Law in Context**, the third new mandatory course, will be taught innovatively in “bridge week” form. In the first semester bridge week, **The Legal Profession and Professionalism** will introduce legal ethics and cover the profession’s history and practice options. The second-semester bridge week, **Critical Foundations for the Study of Law**, will introduce theoretical and critical perspectives, and will assist students in choosing an upper-year **Law and Society Studies** requirement.

In the upper years of the LL.B. program, UBC’s Faculty of Law will continue to offer students one of the largest and most diverse course lists in the country. Reforms to second and third years focus less on content than structure. Apart from the legal research and writing renovations, key changes involve a move from the once overwhelming *à la carte* nature of the previous curriculum, in place since the early 1980s, to a more systematic categorization of the available options.

Under the “quasi-compulsory” program for second- and third-year law, nine courses have been arranged into three categories (see Table 4). Students must complete at least three of the nine courses—one per category.

Table 4

#### UPPER-YEAR QUASI-COMPULSORY CURRICULUM

Category	Course Options
A. Public Regulation	Tax I Administrative Law Aboriginal Peoples & Canadian Law
B. Private Regulation	Corporations I Family Law Trusts
C. Procedure	Evidence Civil Procedure Advanced Civil Procedure
D. Law and Society Studies	One required course or seminar from a list to be designated on a yearly availability basis.

Table 5

**BUSINESS LAW CONCENTRATION COURSE CLUSTERS**

Category 1 Business Organizations Law	Category 2 Business Finance Law	Category 3 Business Transaction Law	Category 4 Business Policy Law
Corporations I Corporations II Close Corporations	Secured Transactions Insolvency Law Introduction to Corporate Finance Trusts	International Business Transactions Taxation II Commercial Transactions Corporate Transactions	Economic Analysis of Law Competition Policy Securities Regulation Topics in Corporate Law

This requirement is qualified, however, by the Faculty’s overall recommendation that students enroll in *all nine* for a broad, well-rounded legal education. They are cornerstone courses for private practice, business, public service, community work or work in public policy.

Students with a particular interest in business law will celebrate the launch of the school’s new National Centre for Business Law this fall. As part of this initiative, the Faculty will offer a new Business Law Concentration for LL.B. students. The concentration has the distinction of providing focus in this specialized area while leaving half the upper-year course slots open for other subjects. The Centre also facilitates connections between students and the business law community. In a far-reaching collaborative effort, the Faculty’s Business Law Committee spent more than a year meeting with firms in Vancouver, Toronto and Calgary as well as with members of the Bar, judiciary, business community and UBC’s own business school to discuss reform of the business law curriculum.

The concentration requires completion of courses in four foundational categories: Business Organizations Law, Business Finance Law, Business Transaction Law, and Business Policy Law (see Table 5). New courses such as Corporate Finance and Capstone Business Transactions have been added to the curriculum this year to provide students with hands-on

experience. Students will be exposed to a broad range of foundational legal concepts such as agency, trust and fiduciary obligation, as well as to courses that are particularly relevant to the changing dynamics of business law.

The key learning objectives of the Business Law Concentration are that students acquire the skills to draw greater connections between business law and professional ethics; develop drafting skills; enhance their legal research and oral advocacy skills; acquire an understanding of different perspectives on business transactions; and develop greater skills in critical thinking, adaptive competence, communication, leadership capacity and scholarly concern for improvement.

**RENAISSANCE**

By the time you hold this issue of the alumni magazine in your hands, the Faculty’s new curriculum will have left the drawing board and entered the classrooms. Three years of discussions, debate, drafting and decision-making have become a living, functioning program, and while a curriculum may forever be seen as the legacy of the presiding Dean, its success rests now with every instructor and student. ●





# Jim Pozer on Wrong Path:

by Diane Haynes

UPDATE AT 11

Admit it: you'd love to come home from work to a voicemail from the Universe, wouldn't you? *Good stuff, kiddo! Keep doin' what you're doin'. Later!* Like that. Simple. Nothing flashy, no burning bushes. Just an unequivocal sign that you're on the right track. Well... or not. Because of course there's always the chance you might get news to the contrary—the wake-up call, the redirect, the “Road Closed Ahead” sign, the Detour command. And *then* what would you do?

Four years into a successful legal career, Jim Pozer met up with scenario number two. He took the hint—and the road less traveled. And that has made all the difference.

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**Jim, what led you to law in the first place?**

I majored in political science at UBC and I was interested in journalism or writing. It was my father who said, well, maybe what you should do if you're thinking about that is get some kind of trade or profession under your belt. When I was a kid, I had polio. So really I applied to law school because of that. Something to fall back on.

I did one year of law school and I still wasn't certain, so I took a year off and did a stint with CBC up in Edmonton and I had a wonderful boss there, Delores MacFarlane, who said, you know, you should go and be a lawyer. You should make the news, not report it.

### **So you took her advice?**

I went back and finished the law degree. I had a really good time at law school. If I start naming names I wouldn't name enough, but certainly George Curtis and Frank Maczko and Robin Elliot, Joost Blom—they piqued my interest in the law and made it appear to be a very worthy experience and profession.

I had a terrific set of articles at Rankin & Company. I was very wonderfully mentored there, and that doesn't always happen. I was never interested in the big firm type of practice... and they gave me that extra confidence to go out and start up on my own. I started up a practice [Higgins & Pozer] with my best friend from law school, Brian Higgins, who is now the supervising lawyer of the Law Students' Legal Advice Program [LSLAP]. And we were successful beyond our wildest expectations. I was making good money. But after about four years, I had been in court every single day for eight months, and every day I would go back to the office and do some of our real estate closings and our other solicitors' work—people still did general practices back then—and then prepare for court the next day. And I started wondering where it was all going to lead.

### **Did you come to an answer?**

I went down to San Diego on my own to house-sit for my sister. And I was sitting in one of my sister's floating chairs in the pool, drinking a beer, and I had either an epiphany or a breakdown—I don't know, not having had either one before—and a voice or something said to me, "You're on the wrong path." I came back and I told Brian I was quitting private practice.

### **Did you understand what the message meant?**

I didn't really know what it meant, no. I really enjoyed the law. I liked the ethics, I liked the honour system of the law. I was fascinated with many of the legal concepts I was studying and practising. But I was in the wrong part of it and I had to make a change. I heard a saying not long after I made my decision, a Zen Buddhist saying: "Frustration is news from reality." I started laughing and I couldn't stop.

### **So what was your next step?**

I saw a little ad for the supervising lawyer of the Law Students' Legal Advice Program. I applied and I got the job. I spent four years doing that, and absolutely loved every minute of it.

### **You never regretted the decision, or missed the money?**

It felt good, believe it or not, because money was never a factor for me. I took a huge pay cut, 60 or 70 percent. I was young enough back then that I wasn't afraid. I had options. It's a little different now I've got a family. Would I do that now? Not on your life, probably. So the timing was good.

### **Your work with LSLAP led naturally to your current position with the Community Legal Assistance Society (CLAS)?**

When I started with LSLAP I didn't really know who my employer was, but over the four years there I got to know who they were and I developed this really deep respect for what the organization did. And I said to myself, that's what I want to do. Then the Executive Director's job came up. In 1988, I became the Executive Director and a staff lawyer here. It's been a wonderful career, and I've never looked back.

*Incorporated as a legal aid society in 1971, the mission of the Community Legal Assistance Society ([www.clasbc.net](http://www.clasbc.net)) is to provide legal advice and assistance and to use and develop the law for the benefit of people who are physically, mentally, socially, economically or otherwise disadvantaged or whose human rights need protection. CLAS provides province-wide legal services in the areas of poverty law, disability law, mental health law, human rights law and equality law. Services include service case work, Charter and test case litigation, law reform, legal supervision for legal advocacy groups, legal support to community groups and public legal education. CLAS now employs over 30 people and operates five programs at four locations in the Lower Mainland and on Vancouver Island: the Community Law Program; the Disability Law Program; the Mental Health Law Program; the Human Rights Clinic; and the Law Students' Legal Advice Program. CLAS is core-funded by the Law Foundation, the Legal Services Society, the Ministry of Attorney General and the City of Vancouver.*

“I’ve done everything from [representing disability groups at the Sue Rodriguez hearing on assisted suicide] to acting for squatters, where I’ve gotten a ride to the BC Supreme Court in a converted school bus flying the Communist flag and playing rap music. What I’ll do to save disbursements for this organization!”

**Tell me about the CLAS programs, and about some of the cases you’ve handled. These are groundbreaking cases.**

I’m really proud of the work we supervise in the Law Students’ Legal Advice Program. Over 200 UBC Law students a year participate in it, and we see thousands of low-income people every year. The students operate more than 20 clinics around the Lower Mainland. It’s an integral part of the legal aid mosaic, certainly in the Lower Mainland, and it gives law students a chance to do *pro bono* work, to interact with lawyers and meet members of the Bar.

Our Human Rights Clinic [is] providing the only front-line service right now for human rights advocacy for complainants across British Columbia. BC went to a direct-access model in 2002, where complainants now file directly with the Human Rights Tribunal instead of being able to go through a Commission. We are funded by the Ministry of Attorney General to do two things: to work on behalf of individuals who have complaints before the Tribunal; and to ensure that test cases and systemic cases continue to be brought forward. [Those cases can] affect hundreds, thousands, tens of thousands of people, either in BC or across the country.

With our Mental Health Law Program, we act for well over a thousand people a year around the Province, both people who have been civilly committed and people who have been charged with a criminal offence and come under the Mental Disorder Provisions of the Criminal Code. And you know what, here’s

an interesting fact for you: every year, between one-quarter and one-third of the people that we represent who are detained under the Mental Health Act get discharged. They don’t fit within the criteria of being detained—being a potential harm to themselves or to somebody else.

I find that an absolutely astounding statistic if you believe in the concept of liberty. You’re medicated and detained against your will, and one-quarter to one-third every year don’t fit the criteria and are released.

Our Community Law Program and Disability Law Program have done some huge test cases in our areas of law. *Winko* [*Winko v. British Columbia (Forensic Psychiatric Institute) SCC 1999*] clarified the law for mentally ill people who have been detained under the Criminal Code. *Berg* [*UBC v. Berg, SCC 1993*] extended the Human Rights Code into universities and beyond. *Grismer* [*British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights) Terry Grismer, Estate, SCC 1999*] decided that people with disabilities have to be individually tested and can’t be discriminated against on the basis of broad applications of the law. Recently we did *Moore* [*Moore v. BC (Ministry of Education) BCHRT 2005*] which has resulted in the Provincial Government being ordered to provide assistance to special needs kids in schools, and the government’s judicially reviewing that. So these are cases that have benefited people with disabilities and poor people, which makes you feel good.

We represented a coalition of disability groups who supported Sue Rodriguez’s position [*Rodriguez v. BC (A.G.) SCC 1993*] at the very serious and sombre hearing in Ottawa on the issue of assisted suicide. I’ve done everything from that to the far end of the spectrum acting for squatters, where I’ve gotten a ride to the BC Supreme Court in a converted school bus flying the Communist Chinese flag and playing rap music. What I’ll do to save disbursements for this organization!

We’ve actually done over 200 test cases, haven’t won all of them, but we’ve had a point we wanted to make in each one and I believe we’ve earned the respect of the judiciary for the litigation we’ve done.

### **What are your goals for CLAS at this point?**

Well, we're just so happy that we made it through 2002 when the legal aid system was eviscerated in this province, and we were pretty much the only office funded by legal aid that survived. We're hoping that we're coming into a period when some services can be expanded. The Law Foundation has just provided us with funding for two years to hire a junior poverty law lawyer and an articling student, which we haven't had for years and we're grateful for that.

Right now, we're trying to adjust to the change in reality of legal aid in BC—there are going to be more people self-representing in court. We have opened a legal resource centre in our downtown office, where members of the public can access the Internet and written legal resource materials. We're active in the ongoing Unbundling Committee at the Law Society, which is studying the issue of whether a lawyer can go in and just do one small aspect of a case for a client, and the client then carries on and does that case on their own.

The Human Rights Clinic needs more funding. I know that [Attorney General] Wally Oppal and [Deputy Attorney General] Allan Seckel support that. It's just getting the politicians to realize that, in this very multicultural society that we have in British Columbia, you have to protect human rights.

### **What about your Board of Directors?**

We have a unique Board of Directors that's made up of seven lawyers and seven leaders in the poverty and disability and human rights communities [and three law students]. We have people on social assistance sitting next to senior partners of national law firms working together collegially and cooperatively to make very serious decisions about how we apportion our limited resources. These people bring that kind of group wisdom where, on their own, lawyers might not understand issues about the community, and community members might not understand the law.

### **You've been Executive Director of CLAS for 18 years. This is heartbreaking work. Where do the patience and strength come from to persist?**

Deep within. I mean seriously deep within. One of the things I do now is try and help our younger lawyers and paralegals who are doing court and tribunal work to realize that a lot of times you can only do this work one case at a time. And you've got to take care of yourself. Just about every job here has the potential for burnout, because of the need for services like ours and the lack of resources. We try to help everyone, even if it's just summary advice, but the harsh reality is that more resources are needed particularly if you believe, as I do, that one of the defining aspects of any society is how it treats its most disadvantaged members.

### **You have 13 lawyers on staff—a large firm by legal aid standards—and a number of paralegals. Given the burnout factor, do you have trouble keeping these positions filled?**

No, we have a very collegial group and all our staff support and help each other. There really is a calling to do this type of work. When we have an opening for a lawyer now, we get applications from across Canada, seven or eight other provinces, which makes you feel good that we do have this national profile.

I am blessed with a brilliant and dedicated group of lawyers who have all chosen the same path as me and a very talented and capable group of paralegals and support staff. I have a wonderful wife and three beautiful daughters. Life is good. I walk with a cane, but hey, that's okay. I've learned lots from that, too. As I said, I am blessed. I feel good every day when I come to work. It's a great profession being a lawyer, and whatever you do you're going to make a good living, but I certainly found that it was best to find the part of the law that makes you happy going to work every single day.

I don't know if this would go back to that epiphany thing, but since then, my extra-curricular reading has been a lot of spiritual stuff. And in Buddhism there's the eight-fold path, right, and one of the paths is that of right livelihood. I think I've nailed that one. Now I'm just working on the other seven. ●

# Report *on Giving*

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ANA-MARIA HOBROUGH

2005-2006 was another year of tremendous growth in the area of generous donations to the Faculty. With over \$2.7 million donated and pledged this past year, the Faculty is very grateful for the support we receive from our alumni, friends and the legal community.

Over the past year we have received donations for a number of new initiatives, as well as donations to enhance existing programs and awards. Each and every one of these has had a significant impact on the students and the Faculty as a whole. We have selected a few to highlight here in order to show the breadth of initiatives you and others have supported. It has been a real pleasure working with so many of you on these initiatives, and I look forward to the promise of enhanced programs, increased student awards and an improved teaching and learning environment made possible with your continued participation and support.

A handwritten signature in black ink, appearing to read 'Ana-Maria Hobrough', with a long horizontal flourish extending to the right.

ANA-MARIA HOBROUGH

*Director of Development*





FAR LEFT: The late Adam Albright, former Managing Partner at Harris & Company.

LEFT: Dean Mary Anne Bobinski with Kwon In Hyuk, President, Korea Foundation, and former UBC President Dr. Martha Piper, at the signing of the agreement to create an Endowed Professorship in Korean Legal Studies.

**ADAM ALBRIGHT MEMORIAL AWARD IN LAW**

Adam Albright, former Managing Partner at Harris & Company, served as an adjunct professor in the Faculty, teaching Labour Law. He was a well liked and respected colleague and instructor. This award was established to honour his contribution to UBC Law, and his commitment to the students he taught. Thanks to a substantial donation from Harris & Company and contributions from over 50 other donors, the base endowment now exceeds \$45,000, which allows the income from the fund to be used to provide students with financial aid on an annual basis. Because sport was one of his passions, the *Adam Albright Memorial Award in Law* is awarded to students in the LL.B. program with good academic standing and who actively participate in sports and student activities.

Adam Albright's passing has been a huge loss to the Faculty of Law, and especially to his students. This award has created a fitting legacy to recognize his contributions to legal education.

**VANCOUVER FOUNDATION CHAIR IN FEMINIST LEGAL STUDIES**

A sizable gift was left to the Vancouver Foundation by the late Mr. John De Grot, with the proceeds to benefit UBC Law and the Chair in Feminist Legal Studies. The Chair provides a way to foster and support scholarship and learning directed toward the ongoing process of social change in relation to women's position in Canadian society. Professor Susan Boyd, who holds the Chair, has published extensively in the areas of feminist legal theory and family law.



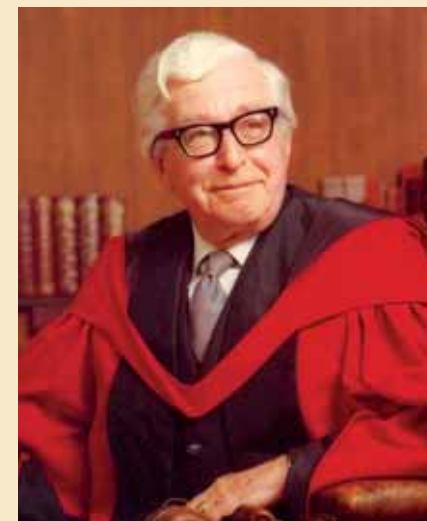
**KOREA FOUNDATION ENDOWED PROFESSORSHIP IN KOREAN LEGAL STUDIES**

UBC Law strives to operate on the cutting edge of scholarship, teaching and research. We have recently received support from the Korea Foundation in the form of a generous donation of \$562,500 (USD) to establish an endowed professorship in Korean Legal Studies within UBC's internationally recognized Centre for Asian Legal Studies. The law school is close to realizing its goal of founding the first and only permanent program in Korean Legal Studies in North America.

The professor will promote increased dialogue and exchanges between UBC Korean Legal Studies students and other universities specializing in Korean Studies; supervise graduate students in Korean Legal Studies; enhance program offerings for visiting scholars from Korea; further the development of the joint-degree-granting program with Korea University College of Law; and undertake other activities to increase understanding of Korean legal culture and society in Canada and abroad.

**DEAN EMERITUS GEORGE F. CURTIS STUDENT ENDOWMENT**

Thank you to everyone who made a contribution to the George F. Curtis Fund and the Doris Curtis Memorial Scholarship Fund. George's passing was a tremendous loss to the Faculty. With these donations, we can be sure that his commitment to UBC law students lives on.



**GEORGE F. CURTIS**

#### LAW FOUNDATION AWARDS

During the 2005-2006 academic year, the Law Foundation made a generous new donation of \$100,000 for the establishment of awards for undergraduate students in the LL.B. program. These awards recognize the increasing financial pressure placed upon law students, and provide incentive for students to achieve top academic ranking in their class.

These awards, adjudicated on the basis of assessed financial need and academic merit, provide for up to \$2,500 per successful student per academic year. Such awards make a significant difference to the students who receive them, and are sometimes an important factor in their decision to study law at UBC. The Faculty of Law is grateful to the Law Foundation for this support.



#### MCCARTHY TÉTRAULT

##### LEADERSHIP AWARD

McCarthy Tétrault LLP has shone the spotlight on leadership through its support of UBC Law. In April of last year they worked with the law school to create the *McCarthy Tétrault Leadership Award*, which recognizes top law students who demonstrate leadership qualities. The Leadership Award signals the firm's commitment to recognizing the leaders of tomorrow. Two awards totalling \$10,000 (\$5,000 each) will be granted each year to students who have taken on leadership roles at the University or in the community. One prize will be awarded to a full-time law student who has completed first year and the other to a full-time law student who has completed second year of the LL.B. degree.



## An Update on Gifts of Publicly Traded Securities

The May 2, 2006 Federal budget has created even greater incentives for making direct donations of securities to Canadian charities. In the budget, the government announced the complete elimination of capital gains tax for direct gifts of publicly traded securities.

In contrast, if an individual sells their securities and donates the sale proceeds, 50 percent of the realized capital gain on the sale of the securities would be taxable.

When securities are donated by direct transfer, donors receive an immediate donation receipt for the fair market value of their securities as of the date they are received by the University. Shares received by UBC are immediately sold and the cash proceeds are used according to donors' wishes.

*This is not intended to be legal or tax advice, and we strongly encourage donors to speak to their professional tax advisor before making a significant gift of publicly traded securities.*

# What can one class do? Just ask the Class of 1968...

Over the years, the Class of 1968 has been a great example of a class that gives back. These UBC Law graduates first approached the Faculty in 1994 to set up an annual award to recognize faculty members for outstanding talent in scholarship, teaching and research, and to act as a focal point for the fundraising efforts of the class. The award is known as the *Class of 1968 Alumni Scholar Fund*. The class now has an enduring connection with the law school through this prestigious award, which provides the Faculty with an opportunity to recognize and celebrate our outstanding faculty members.

In 2004-05 Ronald Davis used the award to research the question of the adequacy of the legal arrangements designed to protect employer-funded pension plans. Ron Davis said: "This prize helped me to prepare and present a paper discussing the potential for conflicts of interest in the investment choices made by pension fund administrators amongst different classes of assets and whether the duties of loyalty and prudence offer pension plan members sufficient protection in light of these conflicts. The paper was most recently presented at the Canadian Association of Law Teachers 2005 Annual Conference. I am now preparing the paper for submission to a law journal and am grateful for the support of the Class of 1968 through this award."

The most recent recipient, Mira Sundara Rajan, used the award to contribute to the completion of her book, *Copyright and Creative Freedom*, published by Routledge. The book is considered a significant scholarly and legal achievement. Mira was honoured with the award of a Canada Research Chair during the year in which she held the Class of 1968 grant.

One member of the class, in particular, has kept the cause at the top of his classmates' minds. Jim Taylor, QC says: "I have ended up being the longest serving class president in the history of UBC Law! I have begged to be thrown out, repeatedly, but without success. My classmates know that this award helps UBC Law attract and retain the best and brightest students and faculty members and I can't emphasize enough how great it is to meet up each year as a class to hear about the scholarship that is being undertaken at the law school."

Following on from the success of the award for outstanding faculty, the class has decided to support students by setting up a bursary. As Jim notes, "We know that it will help students who are deserving of financial support to further their legal education. We felt that \$1,000 a year, donated by the Class of '68, would be a good way to support the education of a UBC Law student and at the same time honour the members of our class who are no longer with us."

RON DAVIS



MIRA SUNDARA RAJAN



Tae-Ung Baik



Margaret Hall



Craig Jones



Donn Short



Gordon Christie



Robin Elliot, QC

## New Faculty

The Faculty of Law is pleased to announce that Professor **John Whyte** will serve as the McK Brown Visiting Professor in the Spring of 2007. Professor Whyte is a leading expert in Canadian Constitutional Law and will teach Federalism and a course in legal philosophy. John Whyte currently serves as a Senior Policy Fellow at the Saskatchewan Institute of Public Policy. From 1997 to 2002, he served as Deputy Minister of Justice in the Government of Saskatchewan. He has held academic appointments at Queen's University Faculty of Law (where he also served as Dean of Law from 1987 to 1992), University of Toronto Faculty of Law, University of Saskatchewan College of Law, Yale Law School, Osgoode Hall Law School of York University and University of Melbourne Faculty of Law. He has edited and co-edited six books and is a co-author of *Canada ... Notwithstanding*.

The Faculty is also pleased to announce the appointment of four Assistant Professors without Review, who started on July 1, 2006. Professor **Tae-Ung Baik** has been with UBC Law for the past three years and is the Director of the Korean Legal Studies Program. Tae-Ung received his LL.B. from Seoul National University in 1990 and his LL.M. from Notre Dame Law School in 2000. He is completing the requirements for his J.S.D. from Notre Dame Law School. He will teach courses in Korean Legal Studies, Human Rights and Asian Legal Studies.

**Margaret Hall** has been with UBC Law in the capacity of Lecturer for the past two years and has served as Director of the Legal Research and Writing Program. She will teach Torts, Advanced Legal Research and Aging and the Law, and will continue to coordinate the Legal Research and Writing Program.

**Craig Jones** earned his LL.B. in 1998 from UBC Law and his LL.M. in 2002 from Harvard. His practice concentrated in the areas of torts, commercial and general litigation, constitutional issues and international commercial arbitration disputes. Craig will teach Torts as a part-time Assistant Professor without Review.

**Donn Short** comes to UBC Law from York University where he served as Course Director for Social Justice and Law within the Law and Society Program. He has an LL.B. from UBC Law, an MFA from York University and is currently a Ph.D. candidate in law at Osgoode Hall Law School. Donn will teach Contracts and Property.

## Books, Articles, Seminars and Symposia

Faculty members have been busy teaching, writing, attending symposia and conferences, giving guest lectures, hosting seminars and discussions with the legal community, and applying for grants and awards to fund research projects.

### NEW BOOKS AND CHAPTERS

**Gordon Christie**, *Aboriginality and Governance: A Multidisciplinary Perspective from Quebec* (edited), Theytus Press, 2006.

**Ronald Davis**, "Implications for Pension Claims and the Status of Collective Agreements in Insolvency Proceedings," chapter in *Implications of the Enactment of Reforms to Insolvency Legislation*, Toronto, Lexis, 2006.

**Robin Elliot, QC**, "The Rule of Law in Canada," in *Liber Amicorum Luzius Wildhaber: Human Rights, Democracy and the Rule of Law*, a book honouring Luzius Wildhaber, the President of the European Court of Human Rights. N.P. Engel Verlag Publishing, forthcoming.

**Douglas C. Harris**, "Colonial Territoriality: The Spatial Restructuring of Native Land and Fisheries on the Pacific Coast" in P. Sinclair and R. Omer, eds., *Power and Restructuring: Canada's Coastal Society and Environment*, St. John's: Institute of Social and Economic Research, 2006.

**Michelle LeBaron** and Venashri Pillay, *Conflict Across Cultures*, Intercultural Press, September 2006.

**Mira Sundara Rajan**, *Copyright and Creative Freedom: A Study of Post-Socialist Law Reform*, Routledge (UK), August 2006.

**Janis Sarra**, *Rescue! The Companies' Creditors Arrangement Act*, Carswell, Canada, forthcoming.

## ARTICLES

**Gordon Christie**, "Developing Case Law: The Future of Consultation and Accommodation" (2006) 39 (1) *University of British Columbia Law Review* 139; and "A Colonial Reading of Recent Jurisprudence: Sparrow, Delgamuukw and Haida Nation" (2005) 23 (1) *Windsor Yearbook of Access to Justice* 17.

**Catherine Dauvergne**, "Reflections on Gendering Canada's Refugee Process," *Refuge*, September 2006; and a book review of *Refugee Sandwich* by Peter Showler, *Refuge*, July 2006.

**Margaret Hall**, "Institutional Tortfeasors: Systemic Negligence and the Class Action," *Torts Law Journal*, Volume 14 No. 2; "The Murky Reality of Family Financial Arrangements Requires Creative Legal Ideas," *The Lawyer's Weekly* "Focus on Family Law" section, June 30, 2006; and "Equity Matters: Doing Fairness in the Context of Family Caregiving," an inter-disciplinary paper co-authored with Drs. Norah Keating, Gerry Manning and Bonnie Laschewitz, *Canadian Journal on Aging*, forthcoming.

**Douglas C. Harris**, "Indefeasible Title in British Columbia: A Comment on the November 2005 Amendments to the Land Title Act" (July 2006), 64 *The Advocate*, 529-537.

**Shi-Ling Hsu**, "The Real Problem With New Source Review," Volume 36, *Environmental Law Reporter*; "What's Old is New: the Problem With New Source Review," Volume 29, *Regulation*; "What is a Tragedy of the Commons? Overfishing and the Campaign Spending Problem," *Albany Law Review*; and "Why We Can Do Better Than New Source Review," *The Economists' Voice*.

**Tony Sheppard**, "Mandatory Retirement: a Response to Michael Weiler." The Employment Law Conference 2006, Continuing Legal Education Society of BC, Vancouver BC, May 11, 2006, pp. 1.1-1.1.10; and "Criminal Jury Trial in the 1992 movie, *My Cousin Vinny*," *UBC Connect*, July 12, 2006 (introduction to criminal evidence and trial procedure for high school students).

**Janis Sarra**, "Modernizing Disclosure in Canadian Securities Law: An Assessment of Recent Developments in Canada and Selected Jurisdictions," *Report to the National Task Force on the Modernization of Securities Law*, March 31, 2006, Toronto: Investment Dealers Association.

## GUEST LECTURES/PANELLISTS/ PRESENTATIONS/CONFERENCES

**Natasha Affolder** gave a presentation on "Democratizing or Demonizing the World Heritage Convention" at the International Symposium on International Law and Democratic Theory in Wellington, New Zealand on June 27<sup>th</sup>.

**Susan Boyd** convened a panel on "Changing Conceptions of Parenthood: Gender, Genes and Sexuality" at the Legal Intersections conference of the Canadian Law and Society Association, held at Osgoode Hall Law School June 2, 2006. Her paper was entitled "What is a Parent? Context and Contradictions in Canadian Law." She presented "Invoking 'Equality': Fathers' Rights and Feminist Advocacy in Canadian Family Law Reform" at a conference on "Revisiting Equality" at the International Institute for the Sociology of Law in Onati, Spain on July 11, 2006. She also presented this paper at the conference "Up Against the Nation-States of Feminist Legal Theory" at the University of Kent, July 1, 2006. Before that conference she participated in a workshop on "Revisiting Governing from Feminist and Queer Perspectives" at the University of Kent, June 29, 2006.

**Kim Brooks** gave a series of presentations including "Tax Treaties as a Mechanism for the Just Distribution of Income Between Nations" at the Law & Society Annual Conference in Baltimore, Maryland on July 6, 2006; "Does Feminist Theory Speak to International Income Redistribution by the State?" at the Up Against the Nation-States of Feminist Legal Theory conference at Kent University on July 1, 2006; "What Can Feminism Contribute to International Law" at the Faculty of Law Seminar at Kent University on June 27, 2006; "Is There a Role for Tax Treaties in Providing Incentives for Trade with Developing Countries?" at the inaugural Farris Lecture held at UBC Robson Square on May 16, 2006; "International Tax Policy: Making Choices in Treaty Negotiations with Developing Countries" at a Faculty Seminar at San José State University on May 5, 2006; "Tax Treaty Treatment of Royalty Payments" at a Faculty Seminar at Saint Louis University of Law on April 19, 2006; "Taxing Royalty Payments with a Developing Country Source" at the 2006 Critical Tax Theory Conference at Mercer University on April 8, 2006; "Recognizing the Incentive Programs of Other States: Should Canada Feel Obligated to Protect the Tax Incentives of Developing Countries?" at the Canadian Association of Law Teachers Annual Conference at Osgoode Hall Law School on May 30, 2006; and "How We Teach/How Our Students Learn" (with Mark Weisberg and Carys Craig) at Osgoode Course Design Institute on May 25, 2006.

**Gordon Christie** presented "Emergent Sovereignty in the Canadian Context" at the Western Division Meeting of the American Philosophical Association, Portland, March 2006; and "The Impact of the Inclusion of Islamic Courts of Justice on Aboriginal Initiatives: A Reply to Marion Boyd" at *Diversity and Canada's Future*, a conference sponsored by the Institute for Research on Public Policy, Montebello, October 2005.



Michelle LeBaron

Richard Kyle Paisley

Ian Townsend-Gault

**Catherine Dauvergne** presented "'Europeanization' of International Refugee Law and What it Means for Canada" at the Metropolis Conference in Vancouver in March 2006; "Beyond Indefinite Detention: Examining the Options" at the Université de Montréal's Centre des Etudes et Recherches Internationales in May 2006; "Citizenship with a Vengeance" Workshop on Citizenship Theory at the University of Toronto in May 2006; and "Security Update" for the BC Refugee Lawyers group, at the CBA in June 2006.

**Cristie Ford** travelled to Washington, DC on April 27, 2006 to give a presentation as part of the Georgetown University Law Center's Governance Series, The Wisdom of Applying State-of-the-Art Governance Scholarship to Actual Regulatory Practice: Standards-Based Securities Regulation, Corporate Governance, and the New Gatekeepers; and on July 7, she presented "Standards-Based Regulation and the 'New Gatekeepers' of Corporate Social Responsibility" at an international roundtable at the Law & Society Conference in Baltimore, MD.

**Douglas C. Harris** presented "Borders, Treaties, and Unacknowledged Origins: Fishing Rights in Washington State and Canada" to the Canadian Law and Society Association in Toronto, June 2006; and "Towards a Legal and Environmental History of the Polis" to the Canadian Association of Law Teachers in Toronto, May 2006. The latter presentation was an initial foray into what Doug plans as a book-length study of the role of property in the legal and environmental history of Vancouver's False Creek.

**Michelle LeBaron** gave the keynote address at the Arbitration and Mediation Institute of New Zealand Annual Conference in Wellington on August 4, 2006.

**Janis Sarra** spoke at Harvard Law School on "First Data, First Impressions, the Challenge of Creating an Empirical Record of Canadian Insolvency Restructuring Proceedings" at Harvard Law School Commercial Realities Conference, Boston. She presented a paper to the International Academy of Commercial and Consumer Law titled "Disclosure as a Public Policy Instrument in Global

Capital Markets," Changing Law for Changing Times Conference, on August 16, 2006 in Austin Texas. Janis presented a paper in New York at the International Insolvency Institute Conference titled "Social Claims and Priorities in Reorganizations" on June 10, 2006. She also attended the INSOL Academics International Conference in Scottsdale, Arizona on May 20, 2006, presenting a paper titled "Northern Lights: Implications of Canada's Partial Adoption of the UNCITRAL Model Law."

## Grants and Awards

**Natasha Affolder** was awarded a Peter Wall Institute Early Career Scholar Award.

**Kim Brooks** received a SSHRC standard research grant in the amount of \$82,662 paid over three years, for "Toward a Fairer Share of Tax Revenues: A Comparative Look at Canada's Tax Treaty Policy Towards Developing Nations."

**Gordon Christie** has received the following grants: "Space for Indigenous Legal Traditions" (completed, February 2006), prepared for the Law Commission of Canada and the Indigenous Bar Association (\$20,000); "Nationhood and the Inherent Right to Self-Government" (spring/summer 2006), a project for the National Centre for First Nations Governance (\$15,000); "Indigenous Legal Theory" funded as part of a Major Collaborative Research Initiative, SSHRC, 2006-2009 (\$2.4 million); and "Treaty 8 Governance Research Initiative" funded under the Aboriginal Strategic Grant section, SSHRC, 2006-2009 (\$228,000).

**Cristie Ford** received the Farris, Vaughan, Wills & Murphy Fund Award to Support Research Excellence this year, and will be presenting her work this fall.

**Margaret Hall** received a grant of \$10,000 from the Canadian Bar Association Law for the Future Fund for her project "Abusive Institutionalisation: Systemic Negligence in Institutional Settings for Older Adults" and received a grant from the Foundation for Legal Research for her project titled "Normalised Harms: Systemic Negligence and Limitations."

In June 2006 the Global Environmental Facility of the World Bank (GEF) and the United Nations Development Program (UNDP) awarded a \$50,000 USD grant to **Richard Kyle Paisley**, Director, Dr. Andrew R. Thompson Program in Natural Resources Law and Policy, and **Pitman Potter**, Director, UBC Institute of Asian Research, to host a July 2006 workshop of international waters experts.

The objective of the workshop was to finalize a proposal to the UNDP/GEF for a three-year, \$2 million USD grant the purpose of which is to analyze a variety of international waters (international fresh water, international groundwater and international marine) to identify which governance mechanisms work best under which conditions. This will then be the basis for devising a series of innovative experiential learning techniques for sharing lessons learned and best practices identified by the research.

**W. Wesley Pue** has been awarded \$4,000 from the Foundation for Legal Research for a project called "Taking Terrorism Seriously: Why 'Rights' Don't Matter in the War Against Terror." Building on previous scholarship in the fields of anti-terrorism legislation, policing and the rule of law, Wes seeks to locate recent developments in anti-terrorism law within a broader framework of legal evolutions affecting constitutional and administrative law, particularly referencing the parameters of official discretion and the constitutional doctrine of voidness for vagueness.

**Janis Sarra** was awarded the honour of INSOL International Scholar for the 2006-2007 academic year, with a research grant of 12,000€. She received a grant from the Federal Government for \$13,000 for a project titled "Crossing the Finish Line: An Analysis of the Potential Impact on Business Rescue with the Adoption of New Cross-Border Insolvency Provisions." Janis received a grant of \$20,000 from the Task Force for the Modernization of Securities Law to conduct comparative research on disclosure regimes in five jurisdictions.

**Sharon Sutherland** received a SSHRC standard grant of \$63,904 for a three-year program of study on "Applications of Theatre to Conflict Resolution Pedagogy and Practice."

## Other Faculty Honours

Professor **Robin Elliot, QC** is the recipient of the 2006 Killam Teaching Excellence Award. This year the Law Students' Society (LSS) also initiated a special designation for teaching excellence within the Faculty with an award named in honour of the law school's founding dean, George F. Curtis. Outgoing LSS President Sarah Batut presented both awards to Professor Elliot at the graduation dinner on Saturday, March 18, 2006.

## Other Faculty News

**Joost Blom** attended the 17<sup>th</sup> International Congress of Comparative Law in Utrecht, the Netherlands, from July 16-22, 2006. He was the National Reporter for common law Canada on "Pure Economic Loss," one of the thirty or so topics discussed at the sessions.

**Kim Brooks** has been elected as the President of the Canadian Association of Law Teachers for 2006-2007.

**Ian Townsend-Gault** continued to act as Canadian representative on the Study Group on Maritime Security of the Council for Security Co-operation in the Asia Pacific (CSCAP). A network of government officials, naval officers, researchers and academics, CSCAP was established to examine areas of interest to the governments in the Asia Pacific region (which for these purposes includes East and Southeast Asia, North America, Australia, New Zealand, Russia and the European Union). Ian chairs a legal sub-group of the main body and organized its second meeting in Phuket, Thailand in March 2006. The research project on problems with ratification/enforcement continues, while contributions are being solicited from legal officials in the governments of the region. He also attended two meetings of the study group itself in Singapore and Kuala Lumpur.

In May 2006, Ian was invited to visit the Caribbean where he attended a series of meetings of the Canadian High Commission in Barbados. From there he attended and spoke at a forum arranged by the Organization for East Caribbean States in St. Lucia. He remained in St. Lucia for several more days to work with OECS officials on a proposal to establish a directorate of the organization designed to assist the non-member states with ocean and environmental management functions.

**Janis Sarra** was selected as a panel member of the American Law Institute's International Panel of Experts on International Insolvency Proceedings.

**Tony Sheppard** was a community observer at the Public Meeting on Mandatory Retirement and Related Topics at the Premier's Council on Aging and Seniors' Issues in Vancouver, BC on June 27, 2006.

**Sharon Sutherland** will be putting aside some of her usual duties at the Faculty of Law in 2006-2007 in order to continue her work with the BC Dispute Resolution Practicum Society in developing a province-wide practicum in Child Protection Mediation. The project is designed to develop capacity for child protection mediation throughout the province, with special emphasis on remote geographic areas and Aboriginal communities. The project is funded by the Ministry of Children and Family Development, the Law Foundation of British Columbia and the Ministry of Attorney General.

Sharon will still teach the clinical mediation program in spring 2007. She is also leading implementation of a new externship program which will place a small number of second- and third-year students with judges of the BC Provincial Court for a term starting in January 2007. Students will have the opportunity to provide clerking support to judges in a number of courthouses throughout the Lower Mainland, and to greatly enhance their understanding of the courts and judicial decision-making while developing their legal research and writing skills.

UBC Law is attended by intelligent, interesting and active students. Many of these students are recognized with academic scholarships, awards and prizes. In addition, students enjoy a vibrant social network of activities and events.

These pages contain just a sample of our students' accomplishments.



## Competitive Moots

UBC Law has a very strong competitive moot program with a history of excellence. The 2005-2006 year was no exception, with teams participating in competitions at the regional, national and international levels. These competitions require students to utilize a broad range of lawyering skills including: client counseling, arbitration, mediation, negotiation, and trial and appellate advocacy. Expert faculty advisors and leading practitioners assisted the students as they prepared for these competitions. Following are some of this year's successes.

### ABORIGINAL RIGHTS MOOT (KAWASKIMHON)

**Robyn Gervais, Halie Bruce, Bruce Stadfeld and Laura Matthews** traveled to Toronto to represent UBC Law in the 11th annual Aboriginal Rights Moot. The team performed in an exemplary fashion in this moot (a non-competitive exercise in consensus building). Faced with an extremely complex and difficult fact scenario, the team prepared an insightful and well-argued factum.

### CANADIAN CORPORATE SECURITIES MOOT

UBC Law's 2006 Corporate Securities Moot Team, consisting of **Joel Hill, Kelly Macauley, Lisa Thorne, Lucas Tomei and Nadia Wechselberger**, competed against teams from eleven other Canadian law schools in Toronto. The team finished fourth in this challenging national moot competition.

### CLIENT COUNSELING REGIONAL COMPETITION

The Client Counseling Regional Competition was hosted at UBC. UBC Law was represented by **Andrea Frisby, Oliver Hamilton, Neil MacDonald and John (Chris) Matson**. Andrea and Neil tied with the University of Western Ontario as Canadian National Champions, which gave Andrea the opportunity to represent UBC at the International Championship in Wales.

### GALE CUP MOOT

The Gale Cup Moot Team, consisting of **Kai Alderson, Stephanie Case, Michael Hall, Adam Menzies and Rebecca Levi**, placed second in the Gale Cup National Criminal

Appellate Moot Competition in Toronto. The moot was an appeal from the Supreme Court of Canada decision in *R v. Orbanski; R v. Elias*, which involved sections of the Charter in the context of roadside sobriety screening. Rebecca Levi received a Dickson medal as top oralist at the competition.

### INTERNATIONAL COMPETITION IN ONLINE DISPUTE RESOLUTION

UBC Law entered five teams in the International Competition in Online Dispute Resolution, and received three gold and two silver medals. Gold medals went to: the litigation team, where the judges were **Andrea Frisby, Irina Kordic and Lilina Lysenko**; the litigation advocacy team consisting of **Jill Corraini, Betsy Segal, Roanna Tay and Silvano Todesco**; and the international commercial arbitration team, where the arbitrators were **Angie Dimitriou, Alexis Magi and Marnie Foster**. Silver medals went to the International Commercial Arbitration team, where the advocates were **Todd Bell, Myron Plett, Pratibha Sharma and Michael Snider**; and the Mediation team, where

the mediators were **Meghan Maddigan and Hayley Laker Maschek**.

### JESSUP MOOT

**Michael Moll, Michael Mjanes, Megan Kaneen, Tracy Knight and Samuel Hu** put in an excellent performance at the Jessup Moot, which was held in Ottawa. Samuel Hu won an oralist award. The applicant side of the team won the prize for the second-best memorial.

### LASKIN MOOT

Representing UBC Law at the 2006 Laskin Moot in Halifax were team members **Hilary Thomson, Jonathan Ross, Carla White, Matthew Curtis** and researcher **Adrienne Edmunds**. The Laskin Moot is a national competition in Canadian administrative and constitutional law that requires at least one member of each team to complete his or her oral and written submissions in French. This year, three of the four UBC mooters submitted factums and oral arguments in French (their second language). The team's factums placed fifth in the competition.

### MACINTYRE CUP AND SOPINKA CUP MOCK TRIAL

**Mike Barrenger** and **Anna Silver** placed second in the MacIntyre Cup Mock Trial Competition in Criminal Law. This qualified them for the Sopinka Cup Mock Trial Competition in Ottawa, where they also placed second. Anna won the prize for best examination in chief and was named best individual advocate, winning a trip to England from the American Trial Lawyers Association.

### UBC/UVIC MOOT

The UBC Law team won the UBC/UVic Moot and retained the Matthew Begbie trophy for the fifth successive year. The problem was an appeal of the 2005 Ontario Court of Appeal decision *Gottardo v. Toronto Transit Commission*. Team members were **Jeff Robinson**, **Peter Danner**, **Alissa MacPherson** and **Carolyn MacDonald**.

### WILSON MOOT

The team of **Phil Dougan**, **Melanie Harmer**, **Megan Kammerer**, **Ada Lam** and **Beth**

**Regehr** was awarded the First Place Factum prize at the Wilson Moot, held in Toronto.

## Individual Awards and Accomplishments

### GOLD MEDALIST

**Vivian Kung** was the Class of 2006 Gold Medalist. Vivian came to UBC Law in 2003 after completing a Bachelor of Arts degree at UBC where she graduated top of her class, winning numerous awards including the Governor General's Bronze Medal in 1999 and the Governor General's Silver Medal in Arts in 2003.

In addition to the outstanding academic performance that made Vivian our top graduating student, she has been a very active member of the UBC Law community. She won the Borden Ladner Gervais summer fellowship in 2004, and worked as a research assistant for Associate Dean Janis Sarra, co-writing "Corporate Governance in the Canadian Resource and Energy Sectors." Vivian was a member-at-large with the UBC Asia Pacific Law Club; a volunteer with the UBC Articling Committee and the

Alumni Event Committee for the *UBC Law Review*; a member of the 2005 Laskin Moot team; and a volunteer with the Annual Review of Insolvency Law conference. Upon completion of her clerkship with Justice Lowry and Madam Justice Kirkpatrick of the British Columbia Court of Appeal, Vivian will article with Blake, Cassels & Graydon LLP in Vancouver.

### FIRST-YEAR BLG FELLOWSHIP WINNERS

**Catherine Hirbour** and **Ashleigh Keall** were this year's recipients of the Borden Ladner Gervais Summer Fellowships. Before coming to law school, Catherine spent time volunteering with a Peruvian NGO. Ashleigh spent time in England volunteering with youth services, disability service provision and refugee support.

## Clerkships

Students from UBC Law are currently clerking at a range of trial and appellate courts across Canada.

### SUPREME COURT OF CANADA

**Maia Tsurumi**



Team members **Anna Silver** and **Mike Barrenger** with the Honourable **Ian Binnie**, Justice of the Supreme Court of Canada at the Sopinka Moot

### BRITISH COLUMBIA COURT OF APPEAL

**Olga Bochkaryova**  
**Vivian Kung**  
**Joanne Lynch**  
**Mohammed Manki**  
**Sally Rudolf**

### BRITISH COLUMBIA SUPREME COURT

**Mark Colavecchia**  
**Michael Dew**  
**Andrea Frisby**  
**Laura Track**

### FEDERAL COURT (OTTAWA)

**Zachary Ansley**  
**Michelle Merry**

### ALBERTA COURT OF QUEEN'S BENCH (CALGARY)

**Richard Stone**

## Student Activities

### UBC LAW REVIEW

The *UBC Law Review* is one of the top law journals in Canada. Under the leadership of its student editors, it continues to publish articles, case comments and book reviews authored by leading academics, lawyers and judges.

BLG Scholarship recipients  
**Catherine Hirbour** and **Ashleigh Keall**

**Vivian Kung**, Class of 2006 Gold Medalist



This year, in addition to the established content, the *UBC Law Review's* Board of Directors will be including a new "Recent Legislation and Law Reform" section, which will feature short descriptions of and commentaries on new legislation.

Also this fall the *UBC Law Review* will begin to contact journal alumni as part of an archival project to preserve the history of the *Review*. For more information about the *Law Review*, the *Table of Statutory Limitations*, or if you are an alumnus with pictures or stories of your time with the journal, visit [www.ubclawreview.org](http://www.ubclawreview.org).

#### LSLAP

UBC Law Students' Legal Advice Program (LSLAP) has over 250 volunteer student clinicians who staff more than twenty legal clinics across greater Vancouver and provide free legal advice and representation to persons in

need. This critically important non-profit organization could not survive without the hard work of student volunteers, the on-site supervision provided by volunteer lawyers from the legal community and the leadership of staff lawyer Brian Higgins.

LSLAP is pleased to announce the hiring of its first articling student, **Holly Popenia**, who will be working with LSLAP for the 2006-2007 articling year. For more information about LSLAP, visit [www.lslap.bc.ca](http://www.lslap.bc.ca).

#### PRO BONO STUDENTS CANADA

Pro Bono Students Canada (PBSC) is a national network of law schools, students, community organizations and lawyers. PBSC matches volunteer law students with non-profit organizations, public interest groups and lawyers to assist with pro bono cases. All student placements require a supervising lawyer.

PBSC is launching several new projects this year, including the *Business and Societies Law Project*, which will assist non-profit organizations with applications for incorporation or charitable status, as well as with other business law related needs; the *Residential Schools Project*; the *Family Law Project*; and a law radio show on CiTR FM. For more information or to volunteer, email [ubc@probonostudents.ca](mailto:ubc@probonostudents.ca) or call 604-822-8009.

#### HOOPLAW

Hooplaw is an annual one-day charity basketball tournament put on by the Vancouver legal community in conjunction with UBC Law. This year, the event was held at Kitsilano High School and raised over \$40,000 for two very worthy causes: Kenneth Gordon School, for children with learning disabilities; and Camp Moomba, for children with HIV.

UBC Law entered three teams, two in the competitive division and one in recreational; however, for the first time in recent memory, UBC Law was not able to capture the competitive crown. That honour went to a team from Davis & Company, with McCarthy Tétrault taking the recreational title.

#### TRIKE RACE

The annual Trike Race is a time-honoured tradition and remains a must-see event: hilarious costumes, tiny tricycles and water balloons draw large crowds year after year. In March 2006, The Innocent Beer Herders retained their title. If they can hold on to the title next spring, The Innocent Beer Herders will be the first team in UBC Law history to claim Trike Race victory in all three of their law school years.

## Message from Katie Seymour

LAW STUDENTS' SOCIETY (LSS) PRESIDENT

The Law Students' Society (LSS) is the student government at UBC Law, and is comprised of the Executive Committee, the Academic Issues Caucus (AIC) and the Student Affairs Committee (SAC). The LSS continues to be instrumental in effecting some major changes around the law school, including curriculum reform and increased sponsorship for student clubs and events, as well as building renovations to the interaction area and Candida's cafeteria.

As President of the LSS for 2006-2007, I am fortunate to be the leader of the student government and to have the opportunity to work with and represent the committed and diverse individuals that attend UBC Law.

As I see it, the LSS is responsible for more than the day-to-day operations of the law school. The LSS is about building relationships. Representatives on the AIC not only provide a voice at committee meetings, they also facilitate discussion between faculty members and the student body. Social events, organized through the tireless efforts of the SAC, enable our students to form lasting friendships with their classmates.

The relationships that the LSS helps to build now are the very same relationships that will reinforce the legal community of Vancouver (and beyond) in the future. The students of today are the lawyers, judges and other illustrious alumni of tomorrow. The LSS is proud to be a part of the process, and will continue to work hard to create a law school experience that helps our students to succeed.

Here we highlight events, activities and achievements of our 7,000+ alumni. If you have something that you'd like us to include, please write to us at [alumnieditor@law.ubc.ca](mailto:alumnieditor@law.ubc.ca).

## REUNIONS

### CLASS OF 1956 REUNION

The law school's graduating class of 1956 recently celebrated another very successful class reunion. We all actually recognized each other and remembered (admittedly with some difficulty) the days of yore! We also enjoyed the presence of Charles Bourne, our Professor in contracts and P.I.L. We enjoyed ourselves so much that we forgot to take a class photo. The members of the Reunion Committee, exhausted by their efforts, resigned *en bloc* in favour of anyone under 70 years of age—except that there are none! To say that we had a great reunion is probably the understatement of the year!

*\*This write up was kindly submitted by Chuck Lew and Stuart Clyne of the Class of 1956 and has been edited for length.*

### REUNION RECEPTION

**REUNITE:** We are pleased to announce that our inaugural Reunion Reception was a success. Alumni from the five- and ten-year classes gathered at the Four Seasons Hotel for an evening of great food and great company. Missed the event or want to relive the memories? Photos will be published in the next edition of this magazine. Stay tuned for the next alumni event and don't forget to join us next year, when we will REUNITE again.

### INTERESTED IN PLANNING A REUNION?

The Faculty of Law is happy to help. For assistance please call our alumni coordinator at 604-827-3612.

## LAUNCH OF TREK CONNECT

TrekConnect links you up to a whole community of UBC grads, from your classmates to the friends of your classmates, and their friends, too!

It's a networking solution, a job-finding site, an event notice board and a way to keep in touch with the people who made your UBC experience so incredible.

To access TrekConnect or to register as a new user, go to: <http://www.trekconnect.ubc.ca/>

**trekconnect**

## UBC LAW ALUMNI CELEBRATE

### IN TORONTO

Over 80 UBC Law alumni and friends joined Dean Bobinski, Alumni Association President Jon Sigurdson and honoured guests to celebrate the Faculty's 60<sup>th</sup> Jubilee on March 28, 2006 in Toronto.

After a toast and welcome from the Honourable Michael Bryant, Attorney General for the Province Ontario, Supreme Court of Canada Chief Justice Beverley McLachlin provided the keynote address, an insightful and timely presentation comparing and contrasting the Supreme Courts of Canada and the United States.

1 Bob Kaplan, PC with The Right Honourable Chief Justice of Canada, Beverley McLachlin, PC, and the Honourable Frank Iacobucci at the Toronto Alumni Event.

### AND IN CALGARY TOO...

On May 11, 2006 UBC Law alumnus Doug Mitchell (1962) and his wife Lois Mitchell hosted over 40 Calgary UBC Alumni in a celebration of the 60<sup>th</sup> Anniversary of the Faculty of Law. The Honourable Frank Iacobucci (1962) gave a stirring presentation about the impact that UBC Law has had on his life, the important role that alumni play as they move forward in their lives, and the need for all alumni to remain involved and committed to their Alma Mater.

2 Class of 1962 graduates, from l-r: Doug Mitchell, QC, Justice Willis O'Leary and Kenneth Benson at the Calgary Alumni Event.



## UBC Law Alumni Achievement Awards

by Kat Kinch

The UBC Law Alumni Association and the UBC Faculty of Law hosted the Law Alumni Achievement Awards on April 20, 2006 at the Four Seasons Hotel in Vancouver. Six members of our legal community were honoured for their accomplishments on the bench, in academia and in practice.

### LIFETIME ACHIEVEMENT AWARD

#### The Honourable William Esson

The Lifetime Achievement Award recognizes an extraordinary individual who has set a high standard for professional accomplishment, volunteerism and/or philanthropy, and has been an example for all who follow. This is the second time the UBC Law Alumni Association has presented this award.

William Esson (1957) was recognized for his outstanding career as a lawyer and his distinguished service as a justice of the British Columbia Supreme Court and Court of Appeal. He was first appointed to the Supreme Court in 1979

The Honourable William Esson with the Honourable Madam Justice Mary Ellen Boyd.

and was elevated to the Court of Appeal in 1983. He then returned to the Supreme Court as Chief Justice from 1989 until 1996, when he was again appointed to the Court of Appeal. On the occasion of the 50<sup>th</sup> Anniversary of the Faculty of Law in 1995, he was awarded an honorary Doctor of Laws by UBC. He retired from the Court of Appeal in 2005 and is an Associate Counsel at Bull Housser & Tupper.

### ALUMNI AWARD OF DISTINCTION

#### Ralston Alexander, QC and Thomas S. Woods

The Alumni Award of Distinction recognizes the outstanding achievements of a UBC Faculty

of Law alumnus/alumna whose endeavours in the practice of law, government service, the judiciary, business, legal academe, community service or other areas have brought honour to the Faculty. The recipient need not have previously received public recognition for his or her endeavours, but must have made a significant contribution to his or her field.

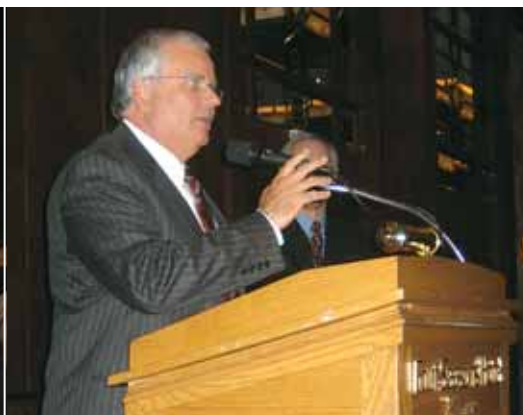
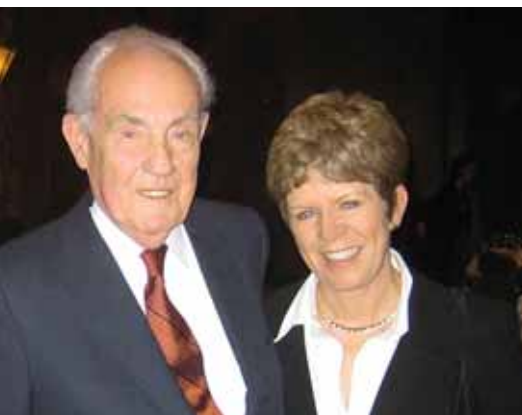
Ralston Alexander, QC (1969), past president of the Law Society, was acknowledged for his record of community and professional service. Now partner with Cook Roberts in Victoria, he practises commercial real property and business law. He has been involved with important professional institutions: the Victoria Bar Association (past president), PLTC (lecturer), University of Victoria Faculty of Law (lecturer), CLE (board member) and the editorial advisory board of the *Land Title Practice*

*Manual* (founding member and contributor). His community contributions include work with the Need Crisis Line, the United Way, the Uplands Gold Club and the Rotary Club of Victoria Housing Society.

Thomas Woods (1987) is currently a civil litigation partner at Lawson Lundell, with a practice in complex litigation and product liability. He is also well known as the editor of *The Advocate*, a role he has held since 1996. He was previously Assistant Editor, beginning in 1990. He is a prolific author of legal scholarship; his publications include contributions to the *BC Civil Trial Handbook* and *Expert Evidence in British Columbia Civil Proceedings*, as well as over two dozen articles. He has also published extensively in his previous field of expertise—working with autistic and developmentally delayed individuals—and is a creative writer.

Ralston Alexander, QC seen here accepting his Alumni Award of Distinction.

Thomas S. Woods seen here with Rod Urquhart, Vice-President, UBC Law Alumni Association.



Sharon Matthews and Meg Shaw seen here at the UBC Law Alumni Achievement Awards Dinner.

Christine Boyle



Michael Jackson, QC



## ALUMNI AWARD FOR RESEARCH

### Professor Christine Boyle and Professor Michael Jackson, QC

The Alumni Award for Research recognizes a full-time member of the Faculty of Law at UBC whose research achievements have advanced the Faculty's reputation as a leading research institution. The recipient of this award need not be an alumnus or alumna of the Faculty.

Christine Boyle was appointed to the Faculty of Law in 1992 after holding the Walter S. Owen Chair since 1990, and was recognized for her teaching by UBC's Killam Award in 1997. She is a pre-eminent scholar in many areas of law, particularly criminal law, feminist legal theory and the law of evidence. Her major publications include *Sexual Assault* (1984), *The Law of Homicide* (co-authored with Isabel Grant and Dorothy Chunn; 1994), *The Law of Evidence: Fact Finding, Fairness and Advocacy* (co-authored with Marilyn MacCrimmon and Dianne Martin; 1999) and *Contracts, Cases and Commentaries* (co-edited with David Percy; 7<sup>th</sup> ed., 2004). She has served on community boards, as an advisor to government, as an educator to the judiciary and as a key figure in equality test case litigation.

Michael Jackson came to the Faculty of Law in 1970. His groundbreaking work in prison law and Aboriginal rights is well recognized. He was appointed in 1974 as Special Counsel to Justice Tom Berger's Commission of Inquiry into the MacKenzie Valley Pipeline, and he subsequently served as a consultant to the Donald Marshall Inquiry in Nova Scotia (1988), the Manitoba Aboriginal Justice Inquiry (1988-89) and the Royal Commission on Aboriginal Peoples (1992-96). He has also worked as counsel on cases on the leading edge of establishing Aboriginal rights in British Columbia, including *Guerin*, *Sparrow*, *Van der Peet*, *Delgamuukw* and *Haida Nation*. His books, *Prisoners of Isolation: Solitary Confinement in Canada* and *Justice Behind the Walls: Human Rights in Canadian Prisons* are both published online at [justicebehindthewalls.net](http://justicebehindthewalls.net).

## OUTSTANDING YOUNG ALUMNUS/ALUMNA AWARD Sharon Matthews

This award recognizes an alumnus or alumna of the UBC Faculty of Law under 40 years of age whose endeavours in the practice of law, government service, the judiciary, business, legal academe, community service or other areas are worthy of recognition and have brought honour to the Faculty.

Sharon Matthews (1992, combined B.Comm/LL.B.) is a partner with Camp Fiorante Matthews, whose active litigation practice focuses on product liability, aviation law and class actions. Her counsel work includes significant cases in the public interest, such as her current efforts on the legal team for the Canadian Bar Association legal aid test case, which aims to establish a constitutional right to civil legal aid. She is highly involved in the CBA, and was recognized with the BC Branch's President's Medal in 2003.

## Thank you!

The UBC Law Alumni Association thanks everyone who contributed to the awards event's success. Michelle Pockey of Davis & Company opened the night with a vocal jazz performance. The award recipients were introduced by their colleagues from the bar and bench: Meg Shaw (for Ms. Matthews); Madam Justice Lynn Smith (for Prof. Boyle); Louise Mandell, QC (for Prof. Jackson); John Kleefeld (for Mr. Woods); William Everett, QC (for Mr. Alexander); and former Chief Justice Allan McEachern (for the Honourable Mr. Esson). Each of the award recipients was presented with a piece of art by Joe David, and William Esson's gift was kindly donated by Ken Lewis, Mr. David's nephew. The efforts of all of these individuals are appreciated.

We welcome nominations for the UBC Law Alumni Achievement Awards year round. Please bring the names of deserving alumni to our attention.

# CLASS notes

## 50s

**Joe Cvetkovich** ('56) has had an eventful career, articling with a prestigious firm upon graduation and then, in 1960 obtaining a position in the legal department of Imperial Investments Corporation, later known as Laurentide Financial Corporation Ltd. In 1965, he opened his own firm in Campbell River and became involved in the local community and political arenas. He was chair of the Red Cross, campaign chair for the Federal Election of 1965 and ran for office under the Liberals in the riding of Comox in 1966.

## 60s

**James Horsman** ('60) was awarded the Alberta Order of Excellence 2006 and the Member Order of Canada 2006.

**Lorne Welwood** ('68), together with his wife Ann, are recipients of the 2006 Helen Mark Excellence in Adoption Award (see [http://www.bcadoption.com/afabc\\_news\\_detail.asp?newsid=22](http://www.bcadoption.com/afabc_news_detail.asp?newsid=22)).

The Helen Mark Excellence in Adoption Award was established by AFABC in 2004 in honour of Helen Mark, a founding member of the organization. The purpose of this award is to recognize an individual's or organization's outstanding contribution to

adoption and/or the well-being and needs of adoptive families and their children.

Long-time leaders in adoption, Lorne and Ann have contributed significantly to the adoption community in BC, playing influential roles in reforming provincial adoption practices in the 1990s. They have always been on the cutting edge of new adoption practice. The couple also ran an adoption counseling service for years before starting Hope Adoption Services, one of the first licensed agencies in BC. They continue to be active in the community, showing depth of commitment and great love to those whose lives have been and are to be touched by adoption.

## 70s

**Roger J.A. Cardinal** ('71) continues to handle personal injury claims in Victoria with Cardinal Law. He writes that "he hopes to retire as soon as he manages to get his two remaining children to move out." His wife Jani also continues to work as the Program Coordinator for the Alzheimer Society of BC, Victoria office. Roger and Jani were married in 1970 while Roger was at UBC and "are much too busy to separate or get a divorce." They fill their spare time with travel or their two grandchildren, the latter always coming first.

Keep in touch with your classmates! Send in your updated news either by visiting our website at [www.law.ubc.ca/forms/class\\_notes/notes.html](http://www.law.ubc.ca/forms/class_notes/notes.html) and filling in the online form, or by mailing your news to CLASS NOTES, *UBC Law Alumni Magazine*, 1822 East Mall, Vancouver, BC, V6T 1Z1.

Your submission will be included in the next issue of the *UBC Law Alumni Magazine*.

**Allan McDonell** ('74), QC did not practise law for most of the 1990s, instead working to create protected areas in Canada, the Southwest US, northwestern Mexico and Central America. He returned to Vancouver in 2000 and opened his civil litigation referral practice, which continues.

**Andrew Croll** ('74) has had his own firm in the north end of Nanaimo since 1998. It is mostly a litigation/arbitration practice focused on employment disputes, ICBC claims and divorces. He currently has two articling students.

**Peter Grant** ('75) is working for Independent Counsel in support of Indian residential school settlements. He has worked on Aboriginal Rights including treaty negotiations and land claims rights since leaving law school.

**R. W. "Bill" Hooker** ('76) writes, "I am currently completing my 29<sup>th</sup> year of teaching law in the School of Business at BCIT and enjoying grandparenting with my two grandchildren who moved to Vancouver from England last summer."

**Bill Heflin** ('76) writes, "I am continuing to toil in the vineyard. I tried to talk myself into quitting at the 30-year mark. I failed. Sharon died last year of cancer after a really long and courageous fight. She is sorely missed."

After practising for many years in the areas of entertainment, technology, corporate and commercial law, **Les Ames** ('78) has been engaged by NS8 Corporation and its two subsidiaries as Senior Vice President, Legal Affairs. These are software development companies engaged primarily in developing products and services for the secure management and distribution of digital content.

**Stephen Holmes** ('78) was appointed as a member of the Canadian Olympic Committee and the Pan-American Triathlon Congress, and elected as President of Triathlon Canada. He taught courses in London in International Tax Planning and Doing Business in Asia.

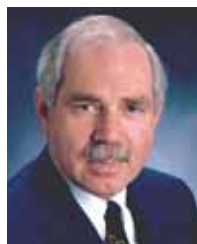
**Paul Walker** ('79), QC was appointed Queen's Counsel in 2004.

## 80s

**John R. Milne** ('80), QC was a founding partner of Buri, Milne in Smithers. He practised for 23 years throughout northwestern BC and occasionally lectured for the "Peoples Law School." He was twice elected to the Provincial Council of the BC Branch of the CBA and spent six years as Governor of the Law Foundation of BC. He was appointed QC in 2001 and became a Judge of the Provincial Court in 2003. He is active on the Provincial Court Judges Association as member at large.

After qualifying in 1982, **Andrew Halper** ('81) practised in Vancouver until 1989, with a two-year break in Paris to complete a DEA in comparative law. In 1989, he joined the Canadian diplomatic service. After a posting to Hong Kong, he worked in the Canadian Embassy in Beijing from 1991 to 1994. Andrew left the foreign service to return to the practice of law in Beijing until 1998, when he moved to London, where he is now a partner in a large, UK-based international firm. Almost all of his work involves China, and he goes back and forth between the UK and China every month or two. He married Eva Mak, of Sydney, Australia, in 1985, and they have a daughter.

LORNE WELWOOD



ALLAN McDONELL



ANDREW CROLL





TED BOE



TOM JOHNSTON



ELEANOR GREGORY



LEE RANKIN



KAREN STEVAN



RICHARD BERETI

**Ted Boe** ('81) works and lives in Nanaimo and writes, "Lived through cancer in 1999-2000. Started up my own firm in early 2002. Doing well. Still alive and kicking. Section 4 forever."

**Theresa Arsenault** ('81), a partner at Pushor Mitchell in Kelowna, has been elected Co-Chair of the Okanagan Partnership, a volunteer, business-led group focused on overcoming challenges faced by industry clusters in the whole Okanagan region.

**Tom Johnston** ('82) writes, "My eldest daughter, Leneigh, will be starting at UBC Law in September 2006. My wife Christine and I know Leneigh's thinking and attitudes have been shaped by her family, her travels and the wonder of BC—now it's UBC Law's turn!"

**Marvin J. Huberman** ('82) is senior counsel at Teplitsky, Colson Barristers, a prominent Toronto litigation boutique firm, and practises in the areas of corporate-commercial litigation, employment claims and administrative/regulatory matters.

**Kathleen Kelly** ('82) has been reappointed for a further three-year term to the Health Professions Appeal and Review Board. The Board hears matters relating to registration requests for regulated health professionals; hospital privileges for physicians; and requests for review of complaints decisions rendered in cases involving members of any of the 23 regulated health professions in Ontario. In addition she continues her private alternate dispute resolution practice.

After graduating from law school, **Douglas Lahay** ('83) commenced articles with Clark, Wilson where he has remained ever since. He is a partner with the firm and Chair of the Business Litigation Practice Group.

**Paul Malone** ('84) received the Saskatchewan Centennial Medal in November 2005 for community involvement.

**David Burgess** ('85) writes that he is in private practice in Kelowna and that "I water ski before work, ride my bike to work, tennis at lunch, home for dinner, and start all over again the next day."

**Eleanor Gregory** ('86) was elected a trustee to the Vancouver School Board on November 19, 2005.

**Karen D. Stevan** ('87) and John K. Marshall were married on July 15 in Campbell River.

**David H. Davis** ('88) works for his own law firm, which specializes in Canadian and US Immigration Law in Winnipeg. He has been married for 10 years and has two children, a girl and boy, ages 7 and 4.

**Lee Rankin** ('88) topped the polls for city councillor in the November 2005 Burnaby civic elections. Rankin, first elected in 1983 and now in his eighth council term, is the longest-serving member of Burnaby City Council. Lee, his wife Ragini and son Henry make their home in the Deer Lake area of Burnaby.

**Shafik Bhalloo** ('89), a partner with Kornfeld Mackoff Silber, writes, "The two proudest moments in my life occurred on October 22, 2003 when my wife, Nora, gave birth to our first daughter Samara and then on December 22, 2004 when she gave birth to our second daughter Zoie. The three beautiful women now rule my life and I can justifiably say 'who's your daddy?' when I get home."

## 90s

**Calvin Simcoe** ('90) has created an alternative energy company, Firemaster Energy Options, specializing in wood pellet stoves. The company is a leader in Western Canada with this technology.

After articling with Russell & DuMoulin (as it then was) in 1991, **Kerry Grieve** ('90) practised civil litigation in Langley for about seven years, then worked for ICBC as in-house counsel. Since 2000 she has been back at Fasken Martineau DuMoulin (as it now is), practising insurance defence mainly in the areas of disability and personal injury. Kerry lives in New Westminster with her son, lam (born 1996) and lawyer-turned-primary-caregiver spouse, Rob. They're still debating whose job is more demanding.

After seven years of personal injury litigation, **Mark Warkentin** ('92) has left Bronson & Company to practise at Fast Welwood Wiens in the areas of corporate commercial and real estate law.

**Richard Bereti** ('92) and his wife Nicole welcomed their first child, Alexander, on September 10, 2005. Richard co-chairs his firm's Environmental Group and has been appointed Adjunct Professor at UBC teaching Environmental Law. He is the author of the text *British Columbia Environmental Management Legislation & Commentary*, published by Lexis Butterworths.

After completing his doctorate at the University of Oxford and practising constitutional and commercial litigation with Lerner LLP in Toronto, **Bradley Miller** ('92) is now an Assistant Professor in the Faculty of Law at the University of Western Ontario.

**Anjili Bahadoorsingh** (B.Comm, LL.B '94) and husband Gary Khan (UBC BSc 1984; U.Sask MBA 1986) celebrated the arrival of their second daughter, Ariya Mila, on January 8, 2006. Her older sister, Anikha Janna, who will be three years old in November, is thrilled to have a playmate. Anjili still practises corporate/commercial law at Heenan Blaikie LLP, where she became a partner in 2005. She runs an online business ([www.thebluemonkey.ca](http://www.thebluemonkey.ca)) with her sisters, importing beautiful vintage and tropical baby clothing from Trinidad and Tobago, and selling unique made-in-BC (or Canada) products.

**Kathleen Sun** ('95) moved to Hong Kong in 1997 to join the Hong Kong office of Boughton Peterson Yang Anderson for two years before moving to in-house counsel for Shell Hong Kong Limited. She is now at Hongkong Electric Holdings Limited, the local electricity supplier serving the Hong Kong Island, as its legal manager.



MICHELLE BALL

**Michelle Ball** ('95) is counsel for the Federal Prosecution Service, Department of Justice, Canada. Acting for the Attorney General, Michelle works with police and other enforcement agencies to carry out prosecutions under federal laws, including drug and regulatory offences. She is also now competing in triathlons. On August 27, 2006, she raced in the Subaru Ironman Canada in Penticton. Her time of 11:06 made her the first Canadian and 5<sup>th</sup> overall woman in her 35-39 age group—good enough for a Kona IM slot. Go to [www.ironcopsbc.com](http://www.ironcopsbc.com) and click on BC Team Members for further details of events since UBC Law.

Since graduating, **Ken Kramer** ('95) spent several years with the Vancouver office of the Federal Department of Justice before opening his own boutique law firm in downtown Vancouver, KMK Law Corporation. The firm focuses predominantly in the areas of wealth management; estate planning and litigation; estate administration; and elder law. In addition to running a busy law practice, he currently sits on numerous boards and committees including serving as the current Chairman of the Board of Directors of the national organization of Muscular Dystrophy Canada. He writes, "I married my lovely wife Cora on July 1, 2002, Canada Day. We have just finished construction of our new home in Burnaby, BC and are looking forward to moving in during August 2006. Special greetings to the Class of 1995!"

**Ian Worland** ('95) and **Caroline Richardson** ('95) are happy to announce the arrival of their third child, a girl named Ginger Rue Worland, who was born on July 7, 2006. Ginger joins older brother



CAROLINE RICHARDSON,  
IAN WORLAND AND FAMILY

Oscar (6) and sister Dixie (3). Ian continues to practise tax and estate planning law with Legacy Tax + Trust Lawyers, while Caroline is enjoying a maternity leave from her position at the Ministry of Attorney General, Commercial Crime Prosecutions.

**Sakura Shibata** ('96) is enjoying life in Silicon Valley (Vancouver is still the number-one place, though) after being transferred from Tokyo Headquarters of Alps Electric (North America) Inc. He says, "Would love to see classmates from UBC. Please contact me at [sakuraanywhere@gmail.com](mailto:sakuraanywhere@gmail.com)."

**Christian Lim** ('97) has been enjoying life in Edmonton since 2000 as a Crown Prosecutor for Alberta Justice and on staff part-time with Campus for Christ at the University of Alberta. He reports, "I was recently named one of the best dressed in Edmonton (why, I am not sure), have been asked to do some image consulting and, recently, started designing jewelry and clothes."

**Evelyn L. Ackah** ('97) has joined the Toronto office of Gowling Lafleur Henderson LLP as of January 2006. Evelyn will continue to practise Canadian and US immigration law as a member of Gowling's Immigration and Employment and Labour National Practice Group.

**Bob Cuddeford** ('98) continues his practice in Maple Ridge having spent the last several years working with Shantz & Associates. Bob has recently welcomed law school friend Clark Browning into his office after Clark transferred from Ontario.

**Craig Jones** ('98) began two new jobs this summer: he will be teaching two sections of Torts at UBC as an Assistant Professor without Review, and acting as Supervising Counsel in the BC Attorney General's Constitutional and Administrative Law Group. He and his family have just moved to Bowen Island.

Since graduation, **Zahra Ramji** ('98) has been practising securities law at Getz Prince Wells LLP and is the proud mother of two girls, Alina (5) and Ayla (2).

**Clark Browning** ('99) has returned to BC after spending the last couple of years in exile in Ontario and working in China. He has been called to the Bars of Upper Canada and British Columbia and he is practising with law school friend Bob Cuddeford at Shantz & Associates.

**Michael Taylor** ('99) is completing his LL.M. in taxation law at UBC while continuing to work for the Federal Government as a litigator in Vancouver. He was married to **Megan Volk** (LL.B. 2005) last year in Kelowna. Megan is completing her articles this year.

**Rick Bennett** ('99) is now working for Justice Canada, Aboriginal Affairs Program, in Ottawa (since May).

General Hospital in Boston, where she assesses and treats disordered speech, language and swallowing in adults with neurological disorders. She writes, "I am enjoying Boston life. I am eagerly anticipating my return to Vancouver in the fall."

**Todd C. Harvey** ('01) has joined the Partnership of Baker Newby LLP in Chilliwack, practising in the areas of corporate, commercial, real estate and estate planning law.

**Matthew Fischer** ('01) has been practising primarily in the area of Condominium Law for two years with McCormack & Company. He says, "I'm also a husband and may be a father by the time you read this."

In the spring of 2005, **Dan Rothberg** ('03) and his wife Helen adopted a baby boy, Spencer, from California. Earlier that year, Dan was made a partner at Minden Gross Grafstein & Greenstein LLP, a mid-sized Toronto law firm.

After graduation, **Shelby O'Brien** ('03) articulated at Davis & Co. and was called to the BC bar in 2004. She was then hired as an associate in the Vancouver office of Heenan Blaikie LLP where she specialized in banking and business law. She married André Paquin on October 31, 2004. Her eldest daughter Aejah was thrilled and was a big part of the ceremony. Shelby says, "Our family grew again this year with the arrival of our second daughter Lylah Evelyn June O'Brien-Paquin on June 30, 2006. We are all very happy to have her as an addition to the family. Life both at work and at home is wonderful!"

**Catherine Doyle** ('05) is currently an associate in the Debt Products Group with McMillan Binch Mendelsohn LLP in Toronto.

## 2000s

**Alison Duke** ('00) recently completed the academic portion of her Masters of Applied Science degree from McGill University, and is currently interning as a Speech-Language Pathologist at Massachusetts

EVELYN ACKAH



RICK BENNETT



SHELBY O'BRIEN



# Closing ARGUMENTS!

A few predecessors of the UBC Law Curriculum Reform Committee weigh in on how we teach, how we learn, and the nature of education.



That education is a living, not a mechanical process,  
is a truth as freely admitted as it is persistently ignored.

RABINDRANATH TAGORE (1861-1941)

Indian writer and philosopher

One is only curious in proportion to one's level of education.

JEAN-JACQUES ROUSSEAU (1712-1778)

French philosopher, educator, and essayist

Learning without thought is labour lost; thought without learning is perilous.

CONFUCIOUS (C.550-C.478 BCE)

Chinese philosopher

As I began to trust students ... I changed from being a teacher and evaluator,  
to being a facilitator of learning.

CARL ROGERS (1902-1987)

psychologist, educator, and researcher

If one were to study all the laws,  
one would have absolutely no time to break them.

JOHANN WOLFGANG VON GOETHE (1749-1832)

German poet, writer, and scientist

What we have to learn to do, we learn by doing.

ARISTOTLE (384-322 BCE)

Greek philosopher

To be educated is not to have arrived at a destination;  
it is to travel with a different view.

R.S. PETERS (1919- )

founding father of the British philosophy of education as  
practiced in the second half of the 20<sup>th</sup> century



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