Law in the Community
Outreach Program Brings Law to Life (and Life to Law)

Animal Law: Alanna Devine Bites Back

Field Notes from Bountiful, B.C.
Nicholas Kasirer complète son extraordinaire décanat

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Pleins feux sur les études supérieures

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Daniel Jutras named Interim Dean of Law

On July 1, Professor Daniel Jutras took up the position of Interim Dean of McGill’s Faculty of Law

In the fall of 1984, Daniel Jutras, a young gold medalist in law from the University of Montreal, gold medalist at the Quebec Bar Admission course, former law clerk to Mr. Justice Antonio Lamer, and holder of the Frank Knox Fellowship while pursuing an LLM at Harvard, came to McGill on a recruitment visit. At his faculty presentation, he spoke to his Master’s thesis on criminal law; by the end of the day he had convinced his soon-to-be colleagues not only of his brilliance in that field, but of his potential to excel in the field of civil law obligations and private law more generally.

Ainsi, depuis 25 ans, Daniel Jutras enseigne le droit, mène des projets de recherche et publie dans plusieurs domaines, tout en passant une année à la Faculté de droit de l’Université de Toronto, pilotant le programme trans-systémique vers son adoption par le conseil de la Faculté, et agissant comme conseiller principal de la juge en chef Beverley McLachlin pendant deux ans, alors qu’il occupait le poste d’adjoint exécutif juridique.

Professor Jutras has participated in many scholarly, bar association and judicial conferences across Canada and internationally, always bringing a deep legal culture, acute analysis and wry humour to his presentations. The epitome of a teacher, scholar and academic administrator for our collective aspirations, he is a respected and cherished colleague who has given of himself unstintingly to others.

Nous nous réjouissons de sa nomination comme doyen intérimaire et nous sommes convaincus que la Faculté continuera à s’épanouir pendant son décanat.

Professor Roderick A. Macdonald, F.R. Scott Professor of Constitutional and Public Law

Our paper. As you read this, the paper under your thumb may feel a little different. It is. As the University enters the third year of its largest fundraising drive ever – Campaign McGill – we’ve chosen to make some changes to better reflect our goals and ambitions. This magazine – printed on FSC-certified, 100% processed chlorine free, 100% post-consumer recycled fibre – is just one step in that direction. We chose offset (non-glossy) paper to avoid petroleum-based coatings and a high-energy drying process. The weight of the inside pages is the same as the weight of the cover, so that the entire issue can be printed in a single pass on the press – saving half the energy of a typical two-stocks print run. This issue was printed by Pazazz, the only Quebec-based printer with a 56” KBA six-colour UV press. UV ink is 100% free of hazardous airborne particles and volatile organic compounds, making it by far the most environmentally-friendly ink on the market today.

IT’S GREEN
C’EST VERT

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For the past two decades, pictures of distinguished alumni have hung on the walls of Chancellor Day Hall. Lawyers, notaries, journalists, judges, professors of law, business people, community organizers, philanthropists, human rights activists, politicians—all of them united by a connection to this great Faculty of Law, of course, but also by their deep desire to make a difference in the world. I remember walking down the hall on my way to class 25 years ago, struggling with my new identity as a “professor of law”—both intimidated and inspired by this institution’s long history of civic commitment. I imagine that many of you, struggling with your new identity as law students, also gazed at these pictures on the wall, and wondered: “What about me? Will I leave something behind when all is said and done? Will I have made things better around me?” Today, the answer to those questions is obvious. This Faculty and its alumni continue to be agents of change in a changing world.

The theme for this issue is **In the Community**. It highlights the Faculty of Law’s persistent and positive influence at home and around the world. This influence can be seen in the work of our students, graduate studies, faculty and alumni—all four groups that make up the Faculty of Law’s own community. Together our collective accomplishments are much too numerous to list in one issue of our alumni magazine, so we have sought to highlight the great work of a few select individuals in each of these groups, who share a determination to use their legal education to make the world a better place. The stories featured here, and the stories of your own lives as leaders in your respective communities, give meaning to the labours of present-day students and professors who wrestle with beneficial ownership, interjurisdictional immunity, and forum non conveniens.

As my term as Dean draws to a close, I wish to record that this has been the happiest time of my professional life and to say thank you to our great University. I will miss the wonderful tumult of life in the Dean’s office. But I am full of hope for McGill University and its fabled Faculty of Law as my dear friend and colleague Daniel Jutras moves into the Dean’s Office. Known as a pre-eminent scholar in comparative law, Dean Jutras will light up the Faculty with his infectious energy, his sharp mind and his delightful demeanour. A true McGill citizen, Daniel Jutras has helped the Faculty thrive since he began teaching. But as Dean, nothing will please him more than to learn more about our “community,” the featured theme of this issue, and in particular the generous graduates of the Faculty who, for me, have turned “community” into “family.”

Le groupe des anciens est le cœur même de notre communauté. Year after year, promotion après promotion, our graduates prove to be community-minded in a range of activities they take on alongside their professional work. Perhaps no one stands for McGill’s generosity better than Richard Pound, BCL’67, who, after ten years in office as our Chancellor presided over his last Law convocation in May. Un athlète remarquable en natation, son sport préféré, Me Pound s’est impliqué dans la promotion du sport amateur au Canada et à l’international. Mais c’est à l’Université McGill que Me Pound a fait preuve d’une générosité qui ne peut que servir de modèle.

It is in this spirit that, years ago, our Faculty Advisory Board created the James A. Robb Award for Extraordinary Volunteer Service to the Faculty of Law. Every year, much like McGill’s energetic volunteer Jim Robb, BA’51, BCL’54, dozens of law graduates step up to offer their precious time to endeavours ranging from mooting to career counselling, from taking up roles in University governance to helping McGill raise money for its bilingual, transsystemic mission in law teaching. This year two graduates were so honoured. Brian Pel, LLB’84, has been the go-to person for generations of editorial boards of the McGill Law Journal. Along the
Sur les murs de la Faculté, un coin spécial est réservé aux portraits des anciens doyens. Nous accrocherons bientôt sur ce mur celui du professeur Nicholas Kasirer, qui a terminé en juin dernier un extraordinaire décanat. Les pages de ce magazine ont attesté au fil des ans du formidable leadership qu’il a exercé sur nous tous, et des innombrables succès dont il est responsable. Sous sa gouverne, la Faculté s’est enracinée au Québec en même temps qu’elle a déployé toute sa vigueur cosmopolite. La riche histoire de la Faculté est devenue la trame sur laquelle se constitue une conception distinctive de l’enseignement du droit. Le doyen Kasirer a eu l’audace d’imaginer le droit comme une discipline fondamentale et prioritaire au sein de l’Université, clarifiant du même coup la mission de cette Faculté : former des juristes à la mesure des défis de ce nouveau siècle, certes ; mais surtout, former des citoyens qui pensent et qui agissent. Pendant plus de cinq ans, son caractère, sa personnalité, sa vision ont été les nôtres. Nicholas Kasirer est rassemblé, créatif, original, infatigable, branché et formidablement éloquent dans les deux langues et les deux cultures. La Faculté s’est définie à partir de ces qualités tout au long de son mandat.

And so, like Dean Kasirer, the Faculty is now somewhat larger than life. It exudes energy, creativity and confidence. It is committed to intellectual refinement and social relevance. This is the new soul of McGill’s Faculty of Law – the legacy of Nicholas Kasirer’s deanship. As the University committee continues its work to find a worthy successor for Nicholas, my colleagues and I will put every ounce of our energy toward keeping the Faculty moving forward and sustaining this renewed momentum, this vitality that we all can feel.

Dans les derniers jours avant la mise sous presse de ce numéro, nous avons appris avec tristesse le décès de James Doherty Gonthier BCL ’51, LLD ’90. La carrière de cet homme épris de justice sert de modèle pour ceux et celles qui veulent mettre en œuvre dans la communauté l’idée de fraternité qu’il a défendue avec autant de passion (lisez l’hommage à sa mémoire en page 37).

In leaving the deanship, please allow me to applaud one very special volunteer. When we needed a chair of the Faculty Advisory Board, I immediately thought of James Woods, BA’70, BCL’73, LLB’74. He lectured me in civil procedure many years before and, since that time, I have seen him support dozens of young people in different settings. I owe him, and every member of the Advisory Board he chairs with such grace, a debt of gratitude that defies description.

I wish I could take every graduate by the hand to thank you personally for the great joy I have had as Dean of Law at McGill. Longue vie aux anciens de la Faculté! Toutes sortes de bonnes choses à son nouveau doyen Daniel Jutras!

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Free continuing legal education

Beginning this fall, the Faculty of Law will be offering a new Continuing Legal Education series, free of charge. As part of McGill’s commitment to public service, the Faculty is planning to offer five three-hour courses in each of the next two academic years. The new series is designed to enable lawyers to meet the Continuing Legal Education requirements recently adopted by the Barreau du Québec. The mandatory program requires the province’s 23,000 members of the Quebec Bar complete 30 hours of approved courses every two years. The series has been accredited by the Barreau and the Chambre des notaires du Québec, and will cover a range of contemporary legal issues. To find out more, please visit www.mcgill.ca/law/fc.

Your future on myFuture

Alumni now have access to myFuture – a new job search and career tool suite offered by the Faculty’s Career Development Office. myFuture provides graduates and current students with an efficient way to search for jobs in law, access career development resources and register for events and workshops. Starting this fall, myFuture will also feature a Professional Networking Program to match students with alumni who share similar interests. To learn how the CDO can help your career, please contact Aisha Topsakal at aisha.topsakal@mcgill.ca.

Top international arbitrator to deliver Brierley Lecture

Leading international arbitration specialist Emmanuel Gaillard will deliver the John E. C. Brierley Memorial Lecture on Sept. 24, 2009, at the Faculty’s Maxwell Cohen Moot Court. Gaillard is Professor of Law at Université de Paris XII, Chairman of the International Arbitration Institute and head of the international arbitration practice at Shearman & Sterling LLP in Paris. This lecture commemorates the life and work of John E. C. Brierley, a Canadian expert on arbitration and former Dean of Law at McGill. For information please email vincent.locas@mail.mcgill.ca.
Graduate students cite the Internet as among the most influential factors in their choice of university. In response, the Faculty has launched a new web site to enhance its recruitment efforts. The Graduate Studies in Law site offers an overview of specific programs, features testimonials from professors and alums, and gives visitors a glimpse of what the graduate law student life is like. Visit us at www.mcgill.ca/law-gradprograms.

The altruistic academic athlete

Back in 2004, Eric L’Italien[1] was completing his final year in the Quebec Major-Junior Hockey League, playing for the Rimouski Océanic alongside Sidney Crosby. During his five-year major-junior career, L’Italien also played in Quebec City, with general manager Patrick Roy. But unlike many players at that level, L’Italien was ready to consider the possibility that his hockey career would not necessarily take him where Crosby was going and Roy had been.

“I was looking for an opportunity to keep playing hockey,” he says, “so I looked at the university option.” L’Italien was accepted to McGill, where he obtained his Psychology degree, and is currently beginning his third year at the Faculty of Law. He also just completed his fifth and final year as a member of the McGill Redmen hockey team. As co-captain, he has been a major part of the team’s unprecedented success over the last few years, including three National Championship appearances in the last four years.

As important as hockey is, however, L’Italien recognizes the value of bringing the same dedication to his schoolwork, and in his service to the community. In addition to being a strong student, L’Italien helps run a youth hockey school affiliated with McGill’s hockey program, volunteers playing hockey with kids in Montreal North, helps out at the student-run Legal Clinic on campus and plans to stay involved with the Redmen this year by helping run practices. And as if his plate weren’t full enough, the 25-year-old and his wife welcomed their first child in June – so he’s also taken on a whole new role as a father. “It’s always been important to mix a couple of things in my life,” he says with a smile.

Eric L’Italien captured the Randy Gregg Award for his achievements in hockey, academics and community service.

Three McGillians elected to Black Law Students Association of Canada

Three McGill students were elected to the executive board of the Black Law Students Association of Canada – an organization dedicated to promoting diversity within the legal profession.

At the BLASAC’s recent annual conference, Anthony Morgan was named president, Cynthia Burton the Francophone Representative, and Laurent Kone Vice-President for the Province of Quebec.

“BLASAC is essentially there to represent the interests of black law students across Canada,” Morgan says. “Our aim is to engage issues that affect the black community.” As is tradition, BLASAC’s next annual conference will be held on the president’s turf, which means that in February of 2010, about 200 students, academics, and legal professionals will convene at McGill to hear guest speakers, discuss issues in law affecting their community, and recognize African-Canadian achievements in law.

In addition to conference preparation and coalition-building, add Morgan’s plans for programs in career development and high school and undergraduate outreach, and it’s clear he is eager to make the most of a very busy year.

“We’re in this space,” he says, “and it is frankly a privileged space to be in. We need to do what we can to be more accessible, more visible and more useful to our community in whatever ways we possibly can.”

Two Faculty of Law alumni awarded prestigious Trudeau prize

Two Law graduates were selected for Pierre Elliott Trudeau Foundation Scholarships, the most generous of their kind in Canada. Kathryn Chan[5], LLM’06, plans to pursue her doctorate exploring ways to modernize the law to better support or regulate voluntary and not-for-profit organizations. Jonas-Sébastien Beaudry[6], BCL/LLB’04, will undertake his doctoral work at Harvard, where he will examine social exclusion in Latin America with a view to promoting equality.

Excellence en arbitrage

Cet hiver, le doctorant Jean-François Hébert et l’étudiante à la maîtrise Robin F. Hansen étaient les premiers lauréats du Prix d’excellence en arbitrage Marc Lalonde. Hébert et Hansen ont chacun reçu une bourse et ont été honorés lors d’une cérémonie tenue dans les bureaux de Montréal du cabinet Ogilvy Renault en présence de Marc Lalonde.

Honneur «suprême» pour des étudiantes en droit

Pour une sixième année d’affilée, McGill enverra plus d’auxiliaires juridiques à la Cour suprême que toute autre université canadienne. Erin Morgan (Juge Binnie), Elizabeth France (Juge Cromwell),
Virginie Marier (Juge Fish), Palma Paciocco (Juge Charron) et Jennifer Klinck (Juge Rothstein) entreront en fonction en août 2010.

**Moots hone courtroom skills**

Our 2009 competitive moot teams brought home dozens of awards in various international competitive moots, mock trials where law students plead cases as if before a real court. Some recent successes: McGill’s team earned the highest number of awards this side of the Atlantic in the annual Willem C. Vis International Commercial Arbitration Moot; for the second time in a decade, McGill’s Jessup Moot Team qualified to compete in the Philip C. Jessup International Law Moot Court Competition in Washington, D.C.; and the Charles-Rousseau moot team came back from Brussels with six prizes, including the top Charles-Rousseau prize. Our students’ mooting accomplishments were featured in our May 2009 eBulletin, online at www.mcgill.ca/law/alumni/ebulletin.

**Du neuf**

En 2009, la Faculté a accueilli deux grands experts dans ses rangs. C’est ainsi que le professeur François Crépeau, BCL’82, LLB’82, un spécialiste des droits de la personne et de la migration, est devenu le premier titulaire de la Chaire Hans et Tamar Oppenheimer en droit international public.

Également, l’ancien ministre de la santé, le docteur Philippe Couillard, est entré en fonction à titre de chercheur principal en droit de la santé. Membre du Groupe de recherche en droit et santé et rattaché aux Facultés de droit et de médecine, le docteur Couillard travaillera sur des questions interdisciplinaires liées à la santé et au droit.

**Convocation honours**

At McGill’s Spring 2009 Convocation ceremony, Professor Richard M. Buxbaum was given a doctorate honoris causa by the Faculty of Law to honour his distinguished career as a teacher and pre-eminent international and comparative law expert. A former Dean of International and Area Studies
at U.C. Berkeley, Buxbaum has taught at the Berkeley Law School since 1961, litigated for public housing and free speech, drafted model securities and corporations laws, and been active in various efforts to ensure access to higher education for minority groups.

Durant cette même collation des grades, l’Association des étudiant(e)s en droit a présenté au professeur adjoint Robert Leckey, BCL’02, LLB’02, le Prix John W. Durnford d’excellence en enseignement 2009. Les étudiants ont souligné sa passion et sa grande disponibilité comme professeur. Cette nomination est arrivée tout juste après que l’Association canadienne des professeur(e)s de droit ait octroyé à Leckey son Prix d’essai juridique, un prix qui récompense les jeunes universitaires pour un article faisant une importante contribution au droit.

Samuel Gale Chair holder Professor Margaret Somerville, an international leader in legal and medical ethics, was awarded an honorary Doctor of Humane Letters this spring by Mount Saint Vincent University. The University of Saskatchewan awarded an honorary Doctor of Laws to Saint Vincent University. The University of Québec’s mission of fostering a global conversation about new ways to understand the world of innovation and the intellectual property issues that accompany it. Adams succeeds Associate Professor E. Richard Gold, BSc’84, the CIPP’s founding director.

Promotions and appointments
Colleen Sheppard, Research Director for the McGill Centre for Human Rights and Legal Pluralism, has been promoted to the rank of full professor. Lara Khoury, co-convenor of the Research Group on Health and Law, has been promoted to associate professor. Boulton Fellows Alana Klein, BCL’02, LLB’02, and Vrinda Narain have been appointed assistant professors, while Adrian Popovici, BCL’02, and Anicée Van Engelend have respectively been named Wainwright Senior Fellow and Boulton Junior Fellow. Professors Hoi Kong, BA’95, MA’98, BCL’02, LLB’02 and Barnali Choudhury join the Faculty this year as assistant professors, while Dr. Alicia Hinarejos and Han-Ru Zhou join us as this year’s Boulton Fellows. Wainwright Civil Law Librarian Daniel Boyer, BA’79, MLS’88, has been appointed head of the Nahum Gelber Law Library, replacing John Hobbins, BA’66, MLS’68, who retired this year.

In June 2009, Stephen A. Smith was made a James McGill Professor for his achievements as a William Dawson Scholar at the Faculty and his accomplished record at the University. James McGill professorships are reserved for scholars whose work is consonant with the standards associated with a tier-1 Canada Research Chair. Also in June, William Dawson Scholar and Associate Professor Adelle Blackett was appointed to Quebec’s Commission des droits de la personne et des droits de la jeunesse for a five-year mandate.

Associate Professor Wendy Adams was appointed Director of the Centre for Intellectual Property Policy, where she continues the CIPP’s mission of fostering a global conversation about new ways to understand the world of innovation and the intellectual property issues that accompany it. Adams succeeds Associate Professor E. Richard Gold, BSc’84, the CIPP’s founding director.

Royal honours
In Sept. 2008, then-Dean Nicholas Kasirer was elected a Fellow of the Royal Society of Canada – the most prestigious scholarly association in Canada – for his achievements in comparative law, jurilinguistics and the fundamental theory of private law. In Nov. 2009, former Dean of Law Roderick Macdonald will assume his post as the 111th President of the RSC – making him the first law professor to hold that title.

New faces and roles
The last year has seen several changes in the Faculty’s administration. Associate Professor David Lametti, BCL’89, LLB’89, took over the job of Associate Dean (Academic) from Geneviève Saumier, BCom’87, BCL’91, LLB’91. Canada Research Chair in Law and Discourse Desmond Manderson, took over as Associate Dean (Research), succeeding Fabien Gélinas.

La Faculté a également créé deux nouveaux postes. C’est ainsi que Véronique Bélanger, BCL’91, LLB’91, LLM’99, a été nommée au poste de doyenne adjointe à la planification stratégique. Dans ce nouveau rôle, elle agit comme conseillère auprès du doyen en tout ce qui touche à l’administration de la Faculté, notamment en matière de gouvernance et de planification budgétaire et financière. Par ailleurs, Ali Martin-Mayer, BSc’98, BCL’02, LLB’02, est désormais doyenne adjointe aux études et à la vie étudiante. Son rôle vise à l’élaboration de programmes complets de soutien pédagogiques, de conseils académiques et de services aux étudiants. Catherine Bleau, BCL./LLB’04, a remplacé Martin-Mayer à titre de directrice du Centre de développement professionnel (CDO) et est à présent épaulée par Lianne Barski, BCom’97, la nouvelle coordonnatrice du Centre.

Please join us in welcoming the following people to the Faculty’s administration: Aisha Topsakal, BCL’02, LLB’02, will head the CDO while Catherine Bleau is on maternity leave; Melissa Poueymirou is managing the Faculty’s Development and Alumni Relations office, while Director of Development Toby Moneit-Hockenstein, BCom’00, BCL./LLB’05, is on maternity leave; and Laurel Baker joins the Faculty as Communications Officer.

Centres and institutes
Assistant Professor Angela Campbell, BA’95, BCL’99, LLB’99, who is co-convenor of the Research Group on Health and Law, was appointed Director of the Institute of Comparative Law. She has been very active in renewing the Institute’s mandate and identity, while mentoring graduate students engaged in comparative, pluralistic legal scholarship.

Professor Laurence Martin-Mayer, BSc’98, BCL’02, LLB’02, has been appointed assistant professor, while Adrian Popovici, BCL’02, and Anicée Van Engelend have respectively been named Wainwright Senior Fellow and Boulton Junior Fellow. Professors Hoi Kong, BA’95, MA’98, BCL’02, LLB’02 and Barnali Choudhury join the Faculty this year as assistant professors, while Dr. Alicia Hinarejos and Han-Ru Zhou join us as this year’s Boulton Fellows. Wainwright Civil Law Librarian Daniel Boyer, BA’79, MLS’88, has been appointed head of the Nahum Gelber Law Library, replacing John Hobbins, BA’66, MLS’68, who retired this year.

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Alumni Awards
The Faculty’s most prestigious honours

James Grant and Brian Pel: The James A. Robb Award
This year, the Faculty of Law honoured two alumni with the James A. Robb Award for their exemplary volunteer service – the Hon. James Grant, BA’58, BCL’61, and Brian Pel, LLB’85. The award is named after the great McGill volunteer, James Robb, BA’51, BCL’54, who attended ceremonies for both recipients.

In June, Grant’s friends, family members, and colleagues from Stikeman Elliott gathered to show their support for their firm’s retired partner and Chair emeritus. Grant is a leader in corporate commercial law, was summoned to the Queen’s Privy Council for Canada in 1996, and is a member of the Montreal, Quebec, Canadian, American and International Bar Associations.

In April, Brian Pel was honoured as the first Toronto recipient of the award. A successful tax partner with McCarthy Tétrault’s Toronto office, Pel has championed Campaign McGill’s fundraising efforts in Toronto, sits on the Faculty Advisory Board and participated in last fall’s External Review at the Faculty.

Justice Hugessen: The F.R. Scott Award for Distinguished Service
The Hon. James K-Hugessen, BCL’57, will receive the 2009 F.R. Scott Award for Distinguished Service at a ceremony this fall. Named in honour of Canadian poet and former Dean of Law Francis Reginald Scott, the award recognizes alumni who have exhibited exceptional service to society and the Faculty.

Justice Hugessen practised law until 1972, when he was appointed justice of the Superior Court of Quebec. In 1983, he became a judge of the Federal Court of Appeal, retiring in July 2008. Hugessen also sat on a number of tribunals and benches, but never left the Faculty of Law behind, serving as adjunct professor from 1962 to 1974, and supporting the Faculty and Law Library as an advocate, donor and advisor.

Dominique Lapierre: Charles D. Gonthier Outstanding Young Alumni Award
Dominique Lapierre, BCL’98, LLB’98, received the first Charles D. Gonthier Outstanding Young Alumni Award last September. Named in honour of Justice Gonthier, BCL’51, this new prize was created by the Young Alumni Advisory Board to recognize a recent graduate. Lapierre has worked as a lawyer for Telefilm Canada, and currently serves as Telefilm’s Deputy Director of Television for the French Market. As YAAAB Chair from 2004 to 2008, Lapierre was instrumental in helping young alumni reconnect with the Faculty.

News items by Lysanne Larose and Pascal Zamprelli
Faculty surpasses $20-million in Campaign McGill

Since the launch of Campaign McGill: History in the Making in the fall of 2007, the Faculty of Law has received gifts and pledges totalling more than $20-million, making it the Faculty’s most successful fundraising drive.

Alumni, law firms, foundations and friends have played a critical role in the campaign, with alumni representing 85 per cent of all donors. The Faculty aims to raise a total of $35,130,000 as part of Campaign McGill, which runs until the end of 2012.

Law firms join Campaign McGill

Ogilvy sets the bar high

Ogilvy Renault LLP has partnered with its lawyers, agents and retired partners to raise $1 million in support of two scholars at the Faculty of Law, known as the Ogilvy Renault Faculty Scholars in Arbitration and Commercial Law. Together with the Fortier Chair, the Ogilvy Renault Faculty Scholars will contribute to a critical mass of international arbitration experts at McGill. Thank you, Ogilvy Renault!

Osler gives business law a lift

Osler Hoskin & Harcourt LLP joins Campaign McGill with the first law firm gift to name a physical space at the Faculty of Law. The Osler Hoskin & Harcourt Seminar Room will be located in New Chancellor Day Hall, where renovations have transformed the learning environment (see story on page 33).

While the firm has agreed to name this state-of-the-art classroom, its individual lawyers and partners plan to create the Osler, Hoskin & Harcourt Business Law Fund. Designed to elevate the profile of business law education at McGill, the fund will be used to invite scholars and practitioners to the Faculty, offer research stipends to undergraduate students and develop new projects.

Fasken invests in students and research

In early 2009, Fasken Martineau became the first law firm to make a major gift to Campaign McGill. The Fasken Martineau Excellence Fund, created with a generous $350,000 donation, will support three important areas at the Faculty: the Scholarship for Legal Excellence provides a renewable scholarship to a student entering the BCL/LLB program; the Corporate Social Responsibility Research Fund supports students working as research assistants; and the Fund for the Journal of Law and Health supports this student-run and peer-reviewed scholarly publication.

De Grandpré Chait Real Estate Award

Students with a passion for real estate law will be recognized by the firm De Grandpré Chait LLP, which has partnered with its lawyers to create the De Grandpré Chait Real Estate Award. The award, to be funded over four years, will be used to support students who have completed at least one year of the BCL/LLB program and who have demonstrated excellence in real estate.

The Faculty of Law proudly acknowledges the participation and contribution of law firms as part of Campaign McGill. Such firm-wide support highlights the Faculty’s close connection with many of Canada’s leading law firms, its alumni practitioners and the importance of McGill’s unique program of transsystemic legal education.

New Symposium for Graduate Research

The Faculty of Law is very pleased to announce the creation of the Maxwell & Isle Cohen Symposium for Graduate Research in International Law. Thanks to generous donations from family, friends, former students and colleagues, the Cohen Symposium will honour the memory of Maxwell Cohen, former Dean at the Faculty from 1964 to 1969, and pioneer of the National Program,
develop both in the compulsory Legal Methodology Program. Now, this critical program has received support from leading litigator James A. Woods, BA’70, BCL’73, LLB’74.

Through his generous, endowed gift, Woods has created a fund to support a James A. Woods Junior Advocacy Fellow, to be awarded on an annual basis to a current student or recent graduate working with the Legal Methodology Program.

Jim Woods, senior partner of the firm Woods LLP, serves as a lecturer in civil litigation at McGill. He is also Chair of the Faculty of Law’s Advisory Board in Montreal.

Values that don’t fluctuate

The Executive Vice-President of SNC-Lavalin, Michael Novak, BSc’76, BCL’80, LLB’81, recently found inspiration in an unlikely source: the global financial crisis. “I don’t want to diminish the pain and suffering it has caused people,” says Novak. “But it brought home the idea that while the values of the stock market may go up and down, our fundamental values — such as caring for each other — are here to stay.”

For Novak, those values are the basis of building a strong society — a characteristic he has in common with his wife, the Minister of Justice and Attorney-General for Quebec, Kathleen Weil, BA’78, BCL’82, LLB’82. “One of the things that Kathleen and I share,” says Novak, “is that we believe we all have a responsibility to contribute to the wellbeing of our community.”

The community for Novak and Weil includes their alma mater. “We both wanted to support the Law Faculty,” says Weil. “So much of who we are today is thanks to our education at McGill.” Earlier this year, the two McGill alumni established the Michael Novak and Kathleen Weil Human Rights Internship Awards to support the International Human Rights Internship Program run by the McGill Centre for Human Rights and Legal Pluralism.

With contributions reaching over $1.4-million, the Rathlyn Foundation has taken an active interest in improving student learning at McGill, investing in classrooms, student advising and mentorship programs. The Foundation’s most recent gift highlights the Faculty of Law, with the objective of advancing the rights of people with disabilities.

Through a $500,000 endowed gift, the Rathlyn Foundation will support two initiatives related to disability and the law. Beginning this fall, the Rathlyn Foundation Fellowships in Law — valued at $15,000 per year — will be awarded to graduate students conducting research in human rights, specifically in disability law and policy. The Rathlyn Foundation Activity Fund will support student research and academic activities in human rights and disability law.

The Faculty is grateful for the Rathlyn Foundation’s generous contribution. Their gift will go a long way in advancing student support, teaching and research, as well as the state of Canadian law in this important field of human rights and disabilities.

New support for legal education’s “nuts and bolts”

Writing and research are two key components of being a lawyer. They’re also the “nuts and bolts” of legal education. At McGill’s Faculty of Law, students develop both in the compulsory Legal Rights and Disability Law.

Thanks to an endowed gift from Michael Novak and Kathleen Weil, students will have the opportunity to gain hands-on experience doing field work in human rights through the International Human Rights Internship Program run by the McGill Centre for Human Rights and Legal Pluralism.

Investing in human rights interns at the Faculty of Law was a natural fit. “Human rights are the enshrinement of those fundamental values we believe in,” says Novak, whose work with SNC-Lavalin has taken him to 75 different countries and impressed upon him the importance of protecting those values. Weil agrees: “Human rights are fundamental for a successful society.”

And, for Weil and Novak, helping others is fundamental for a happy and successful life.
Innovative program introduces legal concepts to high school students – and aims to level the playing field of who can go to law school

By Pascal Zamprelli, BCL/LLB’05, with files from Thomas McMorrow, LLM’08

At Kahnawake Survival School on Mohawk territory south of Montreal, a high school student takes on the role of Rebecca – a teenager accused of beating up another girl for her New York Yankees jacket. Another student plays Rebecca’s father, who acknowledges he hasn’t been the greatest dad since her mother passed away. Another takes on the role of Rebecca’s boss who says she’s a good worker, and another the victim’s mother who’s scared it’s becoming more dangerous on the streets. Together, the KSS students are charged with meting out the best punishment for Rebecca, as part of a simulated aboriginal sentencing circle.

Welcome to the High School Outreach Program – an innovative new initiative where student volunteers from McGill’s Faculty of Law visit local high schools with above-average dropout rates. The Program’s goal is to encourage students living in difficult socio-economic situations to think about legal concepts – from access to justice, to the distribution of wealth and power, and the point at which downloading music and movies becomes copyright infringement.

“The idea is to put university on the radar for kids who’ve never thought about it,” says Charmaine Lyn, BA’96, BCL / LLB’03, Assistant Dean of Law (External Affairs) and the person responsible for getting the project off the ground three years ago. “Kids who don’t have lawyers or university graduates in the family. Kids who are told, and who believe, that what you do right after high school is find a job. That’s the framework.”

According to Statistics Canada, Quebec has among the highest drop-out rates in Canada – and the problem is particularly pronounced in low-income neighbourhoods, as well as among the children of recent immigrants and visible minorities. Lyn says that’s exactly who the HSOOP is targeting.

Last year, 40 McGill law students volunteered to work with more than 300 high school students in four Montreal-area high schools – including Kahnawake Survival School, James Lyng High School in St-Henri / Little Burgundy and École Secondaire Georges-Vanier in Villeray.

The partnership with each high school is developed over three sessions during the academic year. During the first two, McGill law students visit the high schools to engage the students in discussions about the law and activities like the simulated sentencing circle to help bring legal concepts to life.

“What we’ve been trying to do is put them into the position of decision makers and say look, you’re thinking about questions of law and justice every day,” says Thomas McMorrow, doctoral student and HSOOP coordinator. “We can’t be their parents, their guidance counsellors, or their teachers, and we don’t want to preach to them either. So what we’ve come in to do is to get them excited about learning and get them to think about it a bit differently.”

The final session has the high school students, like those from the Kahnawake Survival School, visit McGill to see and learn about its facilities and hear from guest speakers about the links between law and everything from hip hop culture to high art. Lyn and McMorrow agree that they want the high
In a simulated sentencing circle, students from Kahnawake Survival School and McGill’s Faculty of Law are charged with meting out the best punishment for Rebecca – a fictional teenager accused of beating up another girl.

In another exercise, the world’s wealth is represented by 100 pennies. These are distributed amongst participating KSS students to spark a discussion about the distribution of wealth and power within society.
Law students to think about university as an option. But they say HSOP also benefits its law student volunteers by giving them the opportunity to interact with disadvantaged kids — many of whom have had negative experiences with the justice system. “It confronts McGill law students with their own privilege and with direct knowledge of how the law often operates,” says Lyn. “There is a lot that we get as a community out of these experiences that is invaluable. It’s win/win — we are the beneficiaries as much as anyone.”

She believes that diversifying the pool of applicants to law school — and university — can enrich the experience of all students who attend, drawing parallels with her own path in life. “I wasn’t supposed to go to law school,” she says. “I’m coming at it from a personal experience of having had the benefit of one or two people along the path of my high school career push me.” The notion of learning from diversity, and programs like HSOP, are “not about affirmative action or changing standards for groups of people. It’s about expanding the pool as early as possible. You put the idea in a young person’s head that there are choices, that they have options.”

Furthermore, Lyn explains, HSOP is the type of program that perfectly reflects McGill University’s mission statement, in which “service to society” figures prominently. “We have the tools and the ability to connect with and serve people right on our doorstep,” she says.

While HSOP currently operates on a shoestring, Lyn believes resources, skills and knowledge can be pooled across the University to coordinate and expand its outreach mission. “We’re doing quite a lot on very little, and I think it’s got phenomenal potential. [HSOP] is going to make a difference in kids’ lives, but this is the tip of the iceberg of what we could be doing.”

Above: Graduate student Salman Rana, LLM’09, speaks on law, hip hop and youth culture.

Charmaine Lyn, Assistant Dean of Law (External Affairs).
Mae J. Nam is determined to use her legal education at McGill to effect positive change for vulnerable and exploited women – especially those of Filipino descent. Nam’s mother was born in the Philippines, but came to Canada to work as a live-in domestic worker. Today, thousands of Filipino women come to Canada through Immigration Canada’s Live-In Caregiver Program. Through her mother’s stories, and through learning about the experiences of other Filipino-Canadian women, Nam has come to understand the hardships many domestic workers are forced to endure right here in Canada – and has chosen to dedicate her life to fighting a program she believes has its roots in slavery.

“Before this program was introduced, most Filipino women came to Canada to work as nurses and teachers,” says Nam. “They were well-paid and independent. But now one of the only ways for Filipino women to come to Canada is through the Live-In Caregiver program for domestic workers. They have to live in people’s homes, are often paid low wages, and are essentially on-call 24 hours a day.”

Nam’s advocacy work began while she was still completing her BA at McGill. She helped found the Philippine Women’s Centre of Quebec, an organization dedicated to promoting the rights of domestic workers in Canada.

Through intense lobbying efforts, Nam and her fellow PWC-Q volunteers successfully fought the deportation of Laila Elumbra, a Filipino domestic worker who came to Montreal under the Live-In Caregiver Program, but fell into a coma two months short of the 24 required to be eligible for permanent resident status.

Now as a third-year law student, Nam is researching the lives of domestic caregivers with McGill Law professor Adelle Blackett. She is also working to develop a judicial reference on equality rights and Charter cases, under the supervision of Court of Quebec Judge Juanita Westmoreland-Traoré and Ontario Court of Justice Maryka Omatsu. Through the PWC-Q, Nam is planning to mount a Charter challenge of the Live-In Caregiver Program, which she believes discriminates against Filipino women. “There are so many Lailas in Canada, but the only way for a community to strengthen itself is by banding together and working together. We’re focused on empowerment from the ground up,” she says.

Nam represents the first generation in her family to go to university – and feels tremendously fortunate to be able to go to law school. “I came here to be a better advocate, not necessarily to be a lawyer. But being in law school changed my mind, and I’m excited to work as a Charter litigation lawyer. Law is only one tool, but it’s a really great tool to effect change in people’s lives.”
Massacres à la machette et exécutions massives. Un soir d’octobre 2007, quatre survivants de différents génocides se présentent sur une scène de l’Université McGill. Tour à tour, ils racontent le meurtre de leur famille, de leurs amis.

Quand la Rwandaise Esther Mujawayo ouvre la bouche, Anita Nowak est soufflée. « J’ai senti mes oreilles brûler, comme si elle m’avait parlé directement à moi. Cette femme a perdu toute sa famille. Soixante personnes. Père, mère, oncles, tantes... tous sont morts, sauf ses enfants », dit Anita, étudiante au doctorat en Éducation à McGill. Elle décide alors qu’elle en a assez d’être spectatrice.


Le collectif, fondé par Jeanne Mwiriliza, aide les femmes Tutsis et Hutus à se sortir de la pauvreté et de situations d’abus, en leur offrant un suivi psychologique, une formation technique et, dans certains cas, un prêt de 40 $ US pour démarrer une petite entreprise. Le nom de l’organisme, Tubahumurize, signifie consoler et donner espoir.

« Quand Eloge nous a parlé du collectif, tout est devenu très clair, dit Anita. On allait faire des levées de fonds, distribuer l’argent au Rwanda et évaluer les besoins de l’organisme. On voulait baser nos actions sur notre connaissance de ce qui se passe sur le terrain. »
En juillet 2008, les deux sœurs posent le pied sur le sol orange de Kigali. Elles veulent rencontrer le plus grand nombre des quelques 300 femmes prises en charge par le collectif Tubahumurize.

Mais leur descente dans les vertes vallées du Rwanda se transforme peu à peu en une descente aux enfers. « Plus on va profondément dans les vallées, plus les gens sont pauvres. Il n'y a pas d'eau courante, les habitations sont en décrépitude, » dit Helen, qui en est à sa quatrième visite en Afrique. « Lors de mes autres voyages dans d'autres pays, j'entendais souvent de la musique. Les gens fêtaient malgré la pauvreté. Mais au Rwanda, c'était frappant de voir la tristesse dans les yeux de tous les habitants. (...) Là-bas, chaque personne a vécu de près ou de loin la violence du génocide. »

« Au départ, nous avions peur d'être vues comme des Occidentales qui se prennent pour des Mères Noël et qui distribuent des cadeaux, dit Anita, mais les Rwandaises nous ont plutôt perçues comme un signe de Dieu. Comme s'il leur disait: Vous êtes importantes. Je vous envoie de l'aide à travers ces deux femmes. »

Après trois semaines au Rwanda, à assister à des thérapies de groupes, à interviewer des survivants, ou à tout simplement écouter les confidences d'un passager inconnu lors d'un voyage en autobus, les deux sœurs n'en peuvent plus. La mémoire du Rwanda est devenue insupportable. « J'ai pris la décision de me concentrer sur du positif, soutient Helen. Et de toute façon, je crois que c'était ça notre but premier en allant au Rwanda. »

Un an après leur voyage, Anita et Helen ont toujours de la difficulté à répéter les histoires qu'elles ont entendues. « Écouter tous ces gens nous a changées. On ne peut plus revenir à notre ancienne vie comme avant, dit Anita. Je n'ai plus d'excuses pour être complaisante. J'ai maintenant la responsabilité d'être active. »

Depuis leur retour, les deux sœurs ont reçu des lettres de Rwandaises reconnaissantes. Parmi elles, une femme les remercie de l'aide accordée pour démarrer sa petite entreprise de vente de charbon. Cette Rwandaise peut aujourd'hui contribuer au revenu familial. Elle a mérité le respect de son mari et il a cessé de la rouer de coups.

C'est ce genre de nouvelle qui pousse Anita et Helen à poursuivre leur travail avec le collectif Tubahumurize.

Left: McGill students making a difference. Anita and Helen Nowak (back row) are pictured with third-year law student Nathalie Nouvet (seated in front). Nouvet spent part of the summer in Kigali, working with Tubahumurize, the collective founded by the mother of law student eloge Christian Butera (right). In April, Butera was granted the Young Volunteer Claude-Masson Award and selected for a Sauvé Scholarship for his fundraising and activism. He was also one of six people featured in McGill’s Six Word campaign (sixwords.mcgill.ca).

Below: The Nowak sisters in Rwanda with members of the Tubahumurize collective.
The community of Bountiful, B.C. is home to about 1,000 members of the Fundamentalist Church of Jesus Christ of Latter Day Saints – a fundamentalist Mormon denomination whose members believe that a man’s taking of plural wives leads to a good terrestrial life, and facilitates entry into the “Celestial Kingdom.”

After a week of fieldwork in 2008, Professor Angela Campbell recently returned to Bountiful with two research assistants, fourth-year law student Lainie Basman and second-year law student Sarah Berger Richardson. As the director of the Institute of Comparative Law at McGill, Campbell was interested in developing a broader understanding of the women’s own experiences. “The law assumes the women are coerced, exploited and oppressed. But are they? The criminalization of polygamy is said to protect them, but they are not asked for input.”

The year between Campbell’s visits has seen one important development. On January 7, 2009, two local men were charged under s.293 of the Criminal Code with practising polygamy. As these criminal prosecutions unfold, Campbell believes it is a crucial time to examine the views of women living in the sect. “We’re not just regulating a community, we’re criminalizing an entire practice that this community claims is fundamental to its way of living and believing. So the question is, to what extent should the state be occupied with how and why people are married?”

DAY 1: THURSDAY, JUNE 4

The no trespassing sign, that just last year had been posted at Bountiful’s entrance, is gone. Just about everything else looks the same: sprawling green lawn speckled with strollers, skipping ropes and lawn tools. This is our first afternoon back in Bountiful, and we want to present our research to community members we interviewed on our last visit. But when we get to the mid-wifery centre for the presentation, nobody’s around. It turns out everyone’s in the “big kitchen,” where meals for multiple families are prepped. The women all say the same thing, “Sorry I didn’t make your presentation, but it’s a crazy weekend!” That’s because “company” is here: 200 people from a Salt Lake City sister-community who’ve come to attend Bountiful’s first-ever “non-traditional” wedding set for the following day.

The women bustling in the kitchen invite us to stay for dinner. Potatoes, potatoes, potatoes! We peel, pare, boil and mash bags and bags of them. The quantity of food is mind-boggling. But, as is often said in this community, “many hands make light work,” and the job of preparing dinner for the “company” of 200 is soon accomplished.

Most seats in the dining hall are reserved for the company tonight. Dinner begins when Winston Blackmore, a community leader, takes his seat with what he calls the “brethren” and says a prayer. Professor Campbell is invited to join the community leader’s table at one point, to explain her research project. Some listeners seem appreciative, others wary. The bride and groom-to-be seem particularly uneasy about our presence, and ask for time to decide whether we may attend their wedding ceremony. They’ll let us know tomorrow.
DAY 2: FRIDAY, JUNE 5
A couple from Salt Lake City greets us in the dining hall after breakfast, and we find ourselves in an hour-long conversation about the challenges they face as a polygamous family living in an urban setting. They are surprisingly candid, telling us about one of their sons who struggles with substance abuse. They say this isn’t uncommon in Salt Lake, where some youths turn to drugs to cope with their alienation from society. In contrast to Bountiful, the Salt Lake community lives polygamy more discretely and feels more pressure to assimilate to mainstream culture.

Before we know it, it’s time for the wedding – and yes, we’re invited. What excitement! The weather is perfect, and the garden is beautiful with its decorative arches, bales of hay and flowers. The wedding is “non-traditional” by Bountiful standards, due to the huge number of guests (400-plus), the amount of planning (a year), and the fact that the bridesmaids and groomsmen are wearing the latest wedding fashions. From our standpoint, the event is both peculiar and entirely conventional. It’s a monogamous wedding (as are many in the community), and the bride and groom look like they could have stepped out of the pages of a bridal magazine. But how many weddings have 35 flower girls in matching dresses and Shirley Temple ringlets? And how many ceremonies are filmed by a National Geographic documentary crew?

DAY 3: SATURDAY, JUNE 6
Our hosts are eager for us to attend today’s community rodeo. Women and a few young girls fry up a huge picnic lunch in the kitchen, and kids practise their riding manoeuvres as the ring is prepped. On top of horse and cattle deliveries, two new houses are being speedily built by a host of men, boys, and one woman. “Keeping busy is the key to happiness,” we’re told on several occasions. Despite the hoopla, several community members say these rodeos used to be more exciting – before “the split” a few years ago between followers of the self-proclaimed American “prophet,” Warren Jeffs, and constituents who adhere to the teachings and principles of Winston Blackmore. The split has divided families into two “sides,” but everyone still shares the same plot of land and lives side-by-side. And at the rodeo, the audience compensates for its size with enthusiastic cheering for participants, especially the younger, wobblier cowboys and cowgirls just learning to ride.

Professor Angela Campbell in conversation with four women from the community.

Opposite: How many weddings have 35 flower girls in matching dresses and Shirley Temple ringlets?

Next page: The members of the wedding party asked the author to mask their identities.
DAY 4: SUNDAY, JUNE 7
We’re invited to the home of two women who appear to be among the most conservative women in Bountiful by their dress and manner of speech. But they have done one of the most radical things imaginable within their community: they married each other. But within Bountiful’s moral code, their marriage is not recognized and the only marriage they have is with their polygamous husband who is “celestially” (but not legally) married to both of them. Their home is chaotic and comfortable. Between them, they have a dozen kids, who traipse in and out of the small kitchen where we enjoy tea and cake that S baked for L’s birthday.

“Forever humble as it may be, there’s no place like home,” S says. L brings out a brand new digital camera – a birthday gift from her father. We wonder about birthdays in Bountiful. L’s husband (who has other wives) does not come up. We wonder if he’ll see L that day, or if he knows it’s her birthday.

DAY 5: MONDAY, JUNE 8
Our first interview of the day is with a beautiful, bubbly and educated young woman who proudly informs us she’s been named valedictorian at her recent college graduation. At school, she chose to dress just like the other students so as not to attract the usual prejudicial attitudes against “plygs.” But she was pleased to find that she stuck out anyway – as a respected colleague and class leader. She hasn’t gone back to the traditional clothes, preferring jeans and cotton shirts, lives in a nearby town and is still in a monogamous marriage. We ask what remains of “Bountiful values” if not polygamy, geography and traditional style? “Just living a good life – you know, staying pure and loyal to your spouse, being kind and making a difference in peoples’ lives.”

That afternoon, we finally have the opportunity to give our special presentation about the research project to nine community women. This quickly evolves into a lively discussion about changes in the community over the past year – particularly with respect to property issues and employment opportunities. When we reach the topic of ownership and property, the room explodes with women’s voices – confounding tax assessments, child benefit payments gone awry, land trust tensions, embittered ex-members who want “their share” of the communal goods, and immigration problems are thrown into the mix. Given Bountiful’s particular social and economic organization – premised largely on communal property rights, and large, anomalous family arrangements – the breadth of legal issues is dizzying. It’s hard for us to keep up with the subtleties, especially since we don’t yet fully understand how property rights operate in this community, or how family squabbles and homegrown solutions help to form the backdrop.

DAY 6: TUESDAY, JUNE 9
Today is our last day in the community and we want to make the most of it! We start by meeting an avid scrapbooker, who proudly shows us the album collections she’s made of her two children – filled with decorative themes, quotes, and carefully cut out pictures. Later on, we have a long interview with a woman we’d met last year. While she had been extremely guarded the first time around, this year feels very different, and we see a new side to her personality – bright, articulate and passionate. She explains she was originally wary because of experiences where she’d felt betrayed by journalists writing about Bountiful. But she came to appreciate this project because of the space it created for dialogue.

We head to the nearby town of Creston, stopping at a local coffee shop. Waiting in line, we recognize two teenage girls from Bountiful. They’re dressed in jeans and fashionable tops, and look just like everybody else in Creston. We can’t help but feel they’re not too happy to be seen by us or to be recognized in this setting.

Now for our last stop: to visit S at her job at a local garden centre, a family business she shares with her parents and sister – despite being on opposite sides of the Blackmore-Jeoffs split. This is uncommon, but S shrugs it off stating that their family bonds are strong. S and her sister take us to the back of the store for an informal chat, where we’re joined by their mother. The women’s traditional long-sleeve dresses stand in stark comparison to the coffee shop teenagers. The three women tell us how angry they are with the former B.C. Attorney General’s campaign against polygamy in Bountiful – and with law enforcement officials who have come to question them at work.

It’s getting late, so we head back to Bountiful to say our goodbyes. We have mixed feelings about leaving. What began as an inquiry into the propriety of the criminal law to deal with polygamy has expanded to include broader inquiries into tax law, immigration law, and law’s conception of marriage and family. We have so many unanswered questions that leave us bewildered, upset, or inspired. For now though, it is time to go. The women of Bountiful are exhausted from a busy week of guests and activities. Everyone is ready for a return to everyday life.
The first McGill Student Colloquium on Health Law was hosted at the McIntyre Medical Building on February 7, 2009. It brought together speakers from Medicine, Social Work and Psychiatry, along with Law Professors Desmond Manderson, Margaret Somerville, Alana Klein and Philippe Couillard.

It was this kind of opportunity that I was chasing when I first joined the McGill Journal of Law and Health, which co-sponsored the Colloquium. I had been outside the country for eight years, but I knew that Canadians saw health care as important to their identity, and I wanted to know more – so I applied to the fledgling mjlh, the brainchild of a group of determined students under the guidance of Professors Angela Campbell and Lara Khoury. The Journal had not yet produced a single issue, and some doubted that it would amount to anything.

Thinking Across Disciplines

Looking up at the crowds in the Martin Amphitheatre, I was thrilled. As a law student and organizer of the first McGill Student Colloquium on Health and Law, I had been nervous that no one would come, that this interdisciplinary project would fall through the cracks between departments and faculties. But I needn’t have worried: students from 17 disciplines and seven universities walked through the doors.

They had come, as we hoped they would, because they recognized that law and health are vitally interwoven. They had come to hear professors from epidemiology, social work, law, medicine and management speak on topics as diverse as health-care reform, children’s rights and leadership training for doctors. They had come to listen to Dr. Philippe Couillard, Quebec’s former Minister of Health and Social Services and McGill’s newly minted Senior Research Fellow in Health Law. They had come because no one else had given them such an opportunity to think and to learn across disciplines.

Three years and three volumes later, and thanks in large part to the unwavering support of then-Dean Nicholas Kasirer, the mjlh is here to stay. The Journal has grown out of the Faculty of Law’s emerging tradition of scholarship in law and health, reaching out to leading health-law scholars in Canada and beyond. Reflecting its interdisciplinary mandate, the mjlh has expanded its staff to include students from the Faculty of Medicine. And it organized a truly successful Colloquium!

So as I sat in the Martin Amphitheatre and looked up at the faces in the crowd, I was both thrilled to see them — and proud to be among them. Proud to be one of many organizers of such an inspiring event. Proud to be one of many students whose tireless efforts founded and continues to maintain a journal of scholarly calibre. And proud to be one of the many McGill community members who recognize the value and excitement in exploring emerging issues about law and health.
60 années se sont écoulées depuis que John Humphrey, un professeur de droit à McGill, couchait sur papier la première ébauche de la Déclaration universelle des droits de l’homme des Nations Unies. Depuis, la notion de la dignité humaine a fait beaucoup de progrès, mais il reste énormément à faire. C’est dans cet esprit que McGill a accueilli François Crépeau, un expert des questions du droit international des droits de la personne, des migrations et de la globalisation, comme premier titulaire de la Chaire Hans et Tamar Oppenheimer en droit international public. Le professeur François Crépeau et Pascal Zamprelli se sont entretenus de droits et de responsabilités, et sur comment changer un système qui préférerait que tout le monde reste bien sagement chez soi.

**Pourquoi le droit international?**

Au début des années 80 à Paris, j’entamais ma thèse de doctorat sur le statut du demandeur d’asile, qui était à l’époque un nouvel acteur sur la scène socio-politique. Auparavant, on disait plutôt un réfugié. Mais quand le nombre de demandes de statut de réfugié a bondi – au Canada, il est passé de 600 en 1976 à 60 000 en 1986 –, cette nouvelle expression, demandeur d’asile, a commencé à circuler. La question du migrant et de la migration a suscité mon intérêt. J’ai constaté que les migrants n’avaient pas d’avantages sociaux et personne ne pouvait expliquer adéquatement pourquoi ils devraient y avoir accès ou non. Personne n’avait encore exploré la question.

**Quels étaient les principaux enjeux liés à la migration à cette époque?**

La plupart des demandeurs d’asile à ce moment-là ne venaient pas de l’Est, ils arrivaient plutôt du Sud. Ils ne provenaient pas de pays communistes et ils n’étaient pas des combattants de la liberté. Nous ne pouvions pas invoquer les vieilles justifications pour les accueillir. Soudainement, 60 000 personnes se pressaient à nos portes qui ne luttaient pas pour la liberté, mais qui cherchaient plutôt à échapper à la violence généralisée, à la pauvreté, etc. Nous ne nous sommes pas montrés aussi accueillants que nous l’avions été avec les réfuzniks soviétiques ou les victimes des régimes communistes au Vietnam et au Cambodge. Soudainement, nous avions un problème non seulement avec leur nombre, mais aussi avec leurs caractéristiques sociales et politiques.

C’est comme cela que j’en suis venu à m’intéresser à la migration et je n’ai pas changé depuis. À l’époque, c’était un choix surprenant et mes collègues ne le comprenaient pas. Il y avait tellement d’autres sujets plus intéressants à traiter, comme la guerre et la paix, le règlement international des différents, ...

**Manifestement, vous étiez sur la bonne piste.**

En rétrospective, je semble en effet avoir fait un bon choix et j’admet en être très content! Mon travail m’a porté vers le droit domestique, c’est-à-dire le droit constitutionnel, les droits de la personne et le droit administratif. Il m’a également permis d’explorer les dimensions du droit international des droits de la personne et des minorités.

**Parlez-moi des liens entre ces dimensions du droit et la migration.**

La législation en matière de droits de la personne reposait entre autres sur la notion de citoyens restant dans leurs pays. Le rôle de droit international était d’établir des ententes entre les pays pour que chacun traite ses citoyens correctement. Personne n’avait envisagé la question des migrants, car la migration était perçue comme une anomalie. Si tout allait bien dans un pays, les gens ne bougeraient pas – ce qui est, à mon avis, une méprise. Les gens se sont toujours déplacés, que les choses aillent bien ou non. Quand ça va mal, il y a plus de migrants, voilà tout. Vous vous êtes peut-être déplacé; je me suis moi-même déplacé. Les êtres humains veulent explorer le monde.

**On dirait que l’anomalie, ce sont les frontières, pas que les gens les traversent.**

Précisément. Depuis le début du 20e siècle, trois pour cent de la population mondiale sont en migration à tout moment. C’est une constante de la civilisation. Mais on ne pensait pas ainsi en 1948, alors que s’établissait le droit international des droits de la personne. La notion de citoyenneté était la clé de voûte et les États étaient basés sur une population stable. Les créateurs du droit international des droits de la personne n’avaient pas conçu que, subséquemment, les migrants exigerent qu’on respecte leurs droits. Avant, le seul droit qu’avait le migrant était celui de retourner au pays.

Il y a eu une prise de conscience que les migrants sont des êtres humains comme tout le monde. Leurs droits ne reposent pas sur la prémisses que ces personnes appartiennent à une catégorie administrative bien précise. Les droits de la personne
sont fondamentaux pour toute personne, où qu’elle soit.

La détresse des migrants suscite-t-elle davantage l’attention?
Nous avons commencé à aborder ces questions, mais rien n’est encore résolu. Les États, les gouvernements et les autorités publiques doivent admettre que ces personnes sont aussi « nous » dans le débat du « eux et nous ». Une personne qui vit ici, même irrégulièrement, c’est quelqu’un qui paie des impôts, qui contribue à l’économie et qui a des enfants qui sont peut-être canadiens. Ces gens ont des droits, mais nos autorités ne l’admettent pas encore.

C’est donc un combat très actuel.
La question des migrants est une épreuve décisive pour la démocratie – tout comme les travailleurs industriels l’ont été il y a 100 ans, les femmes il y a 60 ans, les Autochtones il y a 30 ans et on peut aussi ajouter les détenus, ainsi que les gais et lesbiennes il y a 10 à 15 ans. De la même manière, on n’admet pas actuellement que les migrants détiennent des droits, qu’ils sont assujettis à la primauté du droit, qu’ils sont des sujets et pas simplement des objets.

Pensez-vous qu’on finira par respecter les droits des migrants, tout comme ceux de ces autres groupes auparavant exclus?
Oui. C’est lent, mais on y arrive. Pour vous donner un exemple, même la Cour suprême des États-Unis a changé sa position sur Guantanamo. La Cour a enfin reconnu que les droits des migrants sont en fait des droits de la personne, que leurs droits sont nos droits. Il y a de quoi être optimiste. On commence à comprendre qu’on ne peut faire ce qu’on veut à quelqu’un simplement parce qu’il est étranger.

Que penser du fait que les États-Unis justifient leur traitement des étrangers en évoquant la sécurité nationale, tout comme le Canada l’a fait avec les certificats de sécurité?
Une fois de plus, on voit agir ici la notion qu’on peut traiter les étrangers différemment des Canadiens dans les mêmes circonstances. Toutefois, ce traitement n’est pas crucial à la sécurité. Si vous avez un problème de sécurité avec un ressortissant, pourquoi devriez-vous le traiter plus durement qu’un Canadien? Pourquoi lui reconnaîssez-vous moins de droits? Soit c’est une question de sécurité et vous mettez en place des mesures qui accroîtront la sécurité et vous traitez Canadiens et non-Canadiens de la même manière; soit c’est une question d’immigration et vous la traitez comme telle. C’est précisément le point que je veux faire : les procédures d’immigration ne devraient pas être utilisées pour régler les questions de sécurité.

Ces gens n’ont pas le droit de rester au Canada, car ils sont étrangers. C’est encore la règle et cette règle demeurerait en place tant qu’il y aura des pays. Mais nous ne pouvons pas faire n’importe quoi avec eux.

Continuerez-vous à vous intéresser à ces questions en tant que nouveau titulaire de la Chaire Oppenheimer?
L’interaction constante entre le droit interne et le droit international est justement à l’origine de la Chaire Oppenheimer. Je m’intéresse à ces questions depuis près de 19 ans. On ne me demande donc pas de faire quoi que ce soit de différent de ce que je faisais auparavant; on me demande de le faire mieux encore.

En décembre dernier, on fêtait le 60e anniversaire de la Déclaration universelle des droits de l’homme des Nations Unies. Quels progrès avons-nous faits depuis 1948?
Je pense que nous avons progressé plus qu’on ne le croyait possible quand la Déclaration a été ratifiée en 1948. Mais si nous pensions régler les questions de droits de la personne simplement en ratifiant déclarations, conventions et autres traités, nous faisions fausse route, car le combat pour les droits de la personne est aussi un combat politique.

Les mécanismes et les instruments juridiques sont importants, mais ils ne représentent que l’un des outils dans ce combat perpétuel, qui exige aussi la mobilisation des communautés, des organisations non-gouvernementales et des juristes.

Comment faire le pont entre le droit et la politique?
Les deux travaillent de concert, car les outils juridiques ont créé une culture de droits de la personne. Cette culture s’est propagée et plus de gens savent qu’ils ont des droits. Ils savent qu’il existe des mécanismes et des intervenants pour les aider. Cette culture des droits de la personne est assurément l’héritage le plus important que nous a laissé la Déclaration universelle.

Entre Nous avec François Crépeau, titulaire de la Chaire Hans et Tamar Oppenheimer en droit international public
Par Pascal Zamprelli, BCL / LLB’05
Traduction de Lysanne Larose
Shauna Van Praagh a ouvert une porte… pour cultiver une communauté étudiante active

La Politique de la porte ouverte

Les premiers gestes de Shauna Van Praagh à titre de vice-doyenne furent simples : elle a accroché des peintures au mur du bureau des études supérieures, elle a installé un portemanteau et, surtout, elle a ouvert la porte. Ça semble évident, dit-elle en riant. Pourtant, la porte avait toujours été fermée et les étudiants attendaient dans le corridor.

Convaincue que rencontrer la vice-doyenne aux études supérieures ne devrait pas être compliqué, Shauna Van Praagh voulait que les étudiants soient à l’aise de venir la voir quand ils en sentaient le besoin.

Mais en plus d’ouvrir sa porte, la professeure Van Praagh voulait aussi ouvrir d’autres portes afin que les étudiants se sentent connectés à la Faculté de droit et à la communauté universitaire.

À McGill, les étudiants aux études supérieures peuvent poursuivre de grands projets de recherche juridique, allant de brevets de médicaments en Afrique du Sud aux relations de travail des artistes du Québec, de droit constitutionnel en Amérique du Sud à des questions de sécurité aérospatiale sur le plan international. L’ennui, c’est que ces étudiants n’ont pas souvent l’occasion d’échanger sur leurs projets et de partager leurs idées avec des pairs.

Pour cultiver une communauté intellectuelle active au sein des étudiants aux études supérieures, madame Van Praagh a tout d’abord lancé un bulletin électronique hebdomadaire faisant état de conférences, d’événements facultaires, de compétitions, de bourses, de dates importantes et de manchettes utiles aux étudiants.

Ensuite, elle a établi un comité qui jumelle les nouveaux étudiants de 2e et de 3e cycle avec des professeurs désignés, au lieu d’obliger ces étudiants à se trouver un superviseur. « Il est essentiel que chaque étudiant soit apparié à un superviseur qui peut aussi agir comme mentor, qui peut le guider tout au long du processus de recherche et de rédaction », explique-t-elle. « Les professeurs profitent eux aussi de l’expérience : idéalement, le courant passe dans les deux sens. »

Le comité a également cherché à élargir le réseau de confrères, de mentors et d’amis de chaque étudiant en fondant des groupes d’intérêt. Se réunissant informellement autour d’un membre du corps professoral, ces groupes permettent aux étudiants de mieux connaître leurs confrères, qui peuvent avoir des intérêts de recherche très différents, et aussi de tisser une relation plus directe avec un professeur autre que leur superviseur, explique Shauna Van Praagh.

Mais elle a aussi un autre objectif :

« Nous voulons être reconnus non seulement pour la qualité de notre formation juridique, mais aussi pour combien nos étudiants sont bien préparés à une carrière universitaire. Si vous voulez devenir professeur de droit, vous venez étudier à McGill. Voilà notre but. »

Convaincue que le mentorat est essentiel pour tout futur professeur, madame Van Praagh a réactualisé le cours obligatoire de méthodologie juridique de cycle avancé pour justement permettre « aux étudiants à passer du germe d’une idée à l’achèvement d’une thèse, avec l’appui de l’enseignant. »

Bien qu’elle pense que tout étudiant doit être bien entouré, madame Van Praagh croit que ceci est primordial pour les candidats au doctorat. L’automne dernier, lors de la rentrée, elle a donc invité la cinquantaine de doctorants de la Faculté à se joindre aux membres du comité des études supérieures pour une petite réception chez elle.


À droite : Michael Mineiro, récipiendaire d’une bourse Boeing, faisant une brève présentation durant la pause-café des doctorants.

À la page suivante : la doctorante Maude Choko et le professeur Ram Jakhu.
When Christopher David Jenkins enrolled in graduate studies at the Faculty of Law, he wasn’t necessarily thinking about an academic career – nor was he certain that he wanted to continue in law.

And yet, since completing both his Master’s (LLM’02) and his doctorate (DCL’05) at McGill, Jenkins has gone on to lecture at the University of Aberdeen – and recently accepted a position as Assistant Professor at the University of Copenhagen’s Centre for European Constitutionalization.

Looking back, Jenkins says his experience at the Faculty of Law convinced him of both his interest in the law – and his desire to pursue an academic career in that field. “My choice proved right away my stubborn hope that legal studies could indeed be intellectually stimulating and imaginative,” he says.

Jenkins’ choice – to become an academic in law – is a difficult path to pursue. Professors in today’s world need to be outstanding teachers, mentors, researchers, writers and administrators – all at the same time. And yet despite these pressures, many graduates of McGill’s LLM and DCL programs go on to very successful academic careers.

While Jenkins attributes McGill’s “stimulating, internationalized and welcoming intellectual environment,” other graduates credit the high level of interaction with the Faculty’s professors for renewing their enthusiasm in legal studies – and convincing them to continue on the road to academia.

“Certain professors in particular were truly an inspiration in my decision to become a professor,” says DCL’08 grad Marie-France Bureau, a newly minted assistant professor at the University of Sherbrooke. “Namely Nicholas Kasirer, Desmond Manderson, Shauna Van Praagh, and Rod Macdonald.” Bureau is not alone in this respect – doctoral students in particular often cite their supervisor as central to their decision to become an academic.

“I owe it all to my supervisor,” says Delphine Nakache, DCL’09, who studied under Associate Professor René Provost. Now an assistant professor at the University of Alberta, Nakache describes Provost as having been her link to the U of A. She also credits Provost, along with Professor Lionel Smith, for having been influential during the completion of her studies – both for their mentorship, and willingness to discuss issues regarding her thesis. In a similar vein, Mario Prost, DCL’09, credits the “availability and open-mindedness” of Provost – along with former Dean of Law Stephen Toope, BCL’83, LLB’83 – for encouraging his decision to advance from the LLM to DCL program.

Benjamin Perrin, LLM’06, was also impressed by Provost’s mentorship. But Perrin cites another reason his supervisor played a pivotal role in his decision to accept his current position as an assistant professor at the University of British Columbia: “By exposing me to the interesting and engaged research that faculty members at McGill were involved with on a daily basis.”

Professor Roderick Macdonald is also known for leading by example. In the past decade alone, he has supervised 10 students who have gone on to become professors at universities around the world. Macdonald has also provided mentorship to countless other students through his Legal Education Seminar, in which graduate students gain valuable...
While many LLM and DCL students move on to academic careers with other institutions, so too, do some land jobs right here at the Faculty of Law – and now as professors at the Faculty of Law, do their best to continue the same type of mentorship and one-on-one supervision that inspired them to pursue academic careers in the first place.

Take Desmond Manderson, who obtained his DCL at McGill in 1997, under the supervision of Roderick Macdonald. Now a law professor and Associate Dean of Research, Manderson is taking his turn to supervise the next generation of law professors.

Among Manderson’s most promising students are Karen Crawley, LLM’07, and Annie Rochette, BCL’94, LLB’94. Crawley is a Pilarczyk Fellow, and is already co-teaching the Graduate Legal Methodology course with Shauna Van Praagh, the Associate Dean of Graduate Studies. Rochette is completing her DCL thesis on teaching and learning in Canadian Law Faculties at McGill, and has landed a position as an assistant professor at l’Université du Québec à Montréal’s Département des sciences juridiques.

As Associate Dean of Graduate Studies, Professor Shauna Van Praagh encourages students to avail themselves of the full range of resources the university has to offer – from auditing a variety of courses to gain insight into different pedagogical styles, to participating in university workshops, to helping their professors design and teach courses, to attending as many conferences as possible – including the recently instituted annual General Legal Studies Conference at McGill.

With so many former graduate students now teaching law, there’s also the opportunity to reach out to McGill alumni for advice. Van Praagh invites doctoral candidates to become part of “a community of colleagues” – both with their fellow students, and with members of the Faculty, thus availing themselves of formal and informal opportunities to prepare themselves for academia. “Teaching experience can come in many forms,” she says.

Laurel Baker
Law in the Community | OUR GRAD STUDIES

Laws in Space

Space Debris Congress tackles legal void

Last February, an inactive Russian satellite collided with an active commercial satellite in low-Earth orbit, just 800 kilometres above Siberia. The crash created a cloud of space debris that could remain in orbit for decades – threatening other satellites, the environment and potentially, human security.

Space debris – the term referring to the mass of nonfunctional satellites, launch vehicles and related objects that orbit the Earth uncontrolled – has become one of the most significant consequences of the space age. But now, growing awareness surrounding the issue has prompted some space law players to take steps to curb the production of new debris through the development and implementation of mitigation measures.

These measures were a central theme at the International Interdisciplinary Congress on Space Debris, hosted in May by McGill’s Institute of Air and Space Law, in collaboration with the Cologne University Institute of Air and Space Law in Germany and the International Association for the Advancement of Space Safety in the Netherlands.

More than 80 scientists, space experts, lawyers and satellite operators from around the globe gathered to assess the Space Debris Mitigation Guidelines adopted by the United Nations Committee on Peaceful Uses of Outer Space in 2007, examine other international space safety and security measures, and propose policy and regulatory steps to reduce the growing risks associated with space debris.

Professor Ram Jakhu of the iasl, who specializes in space law and chaired the Congress, warned that man-made space particles – some as small as a cornflake, others as large as a bus – could tear through spacecraft, and even break through the Earth’s atmosphere. “They travel at the speed of about eight or nine kilometers per second – that’s almost 10 times the speed of a bullet from a gun,” he explains. “So, they are naturally very dangerous.” Aside from physical danger, there can be environmental effects, such as when, in 1978, a Russian satellite with a nuclear reactor disintegrated in the atmosphere and spread radioactive material in the vicinity of Great Slave Lake, Northwest Territories.

Since the accumulation of debris augments the risk, the Congress focused on developing several key solutions: making the existing voluntary mitigation guidelines mandatory; encouraging spacefaring nations to boost research on debris mitigation, identification, and removal; and encouraging new insurance and property regimes in space to close the legal gap, through international declarations, codes and treaties. While Congress organizers plan to continue discussions at other fora, Jakhu believes the international cooperation exhibited at the Congress will be the key to success. “Space debris is primarily a global issue,” he says. “Global problems need global solutions, which must be effectively implemented internationally as well as nationally.”

Pascal Zamprelli, BCL/LLB’05

Above (way above): This Long Duration Exposure Facility was used by NASA to study space debris. It was left in low Earth orbit for almost six years, before being retrieved by the space shuttle Columbia in January 1990.

Below: On January 21, 2001, this wayward satellite motor part from a PAM-D rocket engine reentered the atmosphere over the Middle East – landing in Saudi Arabia, 240 km from the capital city of Riyadh.

PHOTOS COURTESY OF NASA ORBITAL DEBRIS PROGRAM OFFICE
The law grad behind three major puppy mill raids is calling for big changes to animal law | By Laurel Baker

"The stench of feces and decay and death and fear." That’s what Alanna Devine retains from her first puppy mill seizure in December 2008, where – as the new head of the Canadian Society for the Prevention of Cruelty to Animals – she helped liberate hundreds of dogs and cats from cramped wire cages brimming with excrement and carcasses. “I’ve been inside so many of these places since then, but I still think about it, and I get choked up. I still get emotional, but the way I am able to get past that is to take that emotion and anger and use it to fuel the fight.”

For Devine, the fight is against puppy mills – what she defines as “large-scale and sub-standard breeding facilities” where “the sole motivation is profit, where there is inbreeding and where animals are treated as a commodity.” With an estimated 2,200 such facilities throughout the province, Devine believes Quebec’s reputation as “the puppy mill capital of North America” is well deserved. “It doesn’t sound like these places could be profitable, but they are. No matter how terribly the adults are treated, a cute puppy in the window of a pet store sells,” says Devine. “So my job is to be both reactive and proactive in trying to push for changes municipally, provincially and federally, to put a stop to the abuse of sentient beings.”

While Devine is only 29 years old, she is well-equipped to take on this task. A criminologist and lawyer by training, Devine had long been passionate about animal welfare, but was first introduced to animal law as a student at McGill, through a special course offered by Associate Professor Wendy Adams, the Director of the Centre for Intellectual Property Policy. “Alanna wanted very much to be able to make a difference in this area,” recalls Adams of Devine. “It’s been amazing to see her trajectory, and what she has accomplished in a short period of time.”
At McGill, Devine helped to found a local chapter of the Student Animal Legal Defense Fund – part of the world-renowned ALDF animal law advocacy organization. Then, after graduating with a joint BCL/LLB in 2006, Devine landed a prestigious Supreme Court Clerkship with the Hon. Louise Charron, where – from 2006 to 2007 – she “got to work with some of the most brilliant legal minds in the country.” Devine returned to her hometown of Montreal after her Clerkship, determined to use her legal education to make the world a better place. She began volunteering regularly at the CSPCA (which despite the “Canadian” in its name, is actually the SPCA’s local Montreal branch), and “fell” into her job. “They were looking for an active executive director, because there was no one working here on a day-to-day basis, so I became one de facto by coming in every day.”

In just eight months, Devine coordinated three high-profile raids on facilities in the Montreal area – no small feat, as it can take months to plan seizures, gather evidence, obtain warrants, collaborate with police, and coordinate hundreds of volunteers and groomers to work around the clock. Nearly 400 cats and dogs were rescued in the raids – but just as significantly, according to Adams, is the fact that Devine and her team got the attention of the public. Within weeks of the third raid, a petition with 55,000 signatures was presented to the provincial Liberal government calling for stricter animal cruelty laws. In response, the Ministry of Agriculture (MAPAQ) launched a working group in February 2009, aimed at strengthening measures to prevent pet cruelty. Committee chair and MNA Geoffrey Kelley, BA’81, MA’85, told the media, “It’s [an issue] that resonates with a large number of people.” Says Adams: “The politicians are listening now. The legal landscape for animal welfare in Quebec is about to change substantially, and I don’t think it is an exaggeration to say that this is due in large part to the efforts of Alanna, and others like her.”

The working group is poised to announce short- and medium-term solutions – which could include mandatory registration for all Quebec facilities where dogs are housed, sold, or bred. But Devine says knowing where to find potential puppy mills won’t be enough – the CSPCA already has files on 800 facilities it has identified in the Montreal area alone, but doesn’t have the power to shut them down. “My inspectors can walk into a facility and see that it’s really a situation that requires application of provincial legislation and we basically have to call another organization.”

While SPCAS outside of Quebec are allowed to enforce provincial legislation pertaining to animal well-being, inside the province it is the responsibility of ANIMA-Québec, a non-profit organization founded by MAPAQ. While ANIMA-Québec has the ability to lay charges against facilities breaking the law, it operates with a skeleton crew of five inspectors. “In terms of the way the law is applied at a provincial level, it’s not exactly efficient, and it’s not very effective,” says Devine.

CSPCA peace officers can enforce the Criminal Code, which prohibits cruelty to animals in sections 334 and 446. But Devine says federal law is problematic in two respects: firstly because both sections fall under crimes of property (“meaning the law doesn’t distinguish between a dog and a chair,” says Devine); and secondly because the Criminal Code only targets those who knowingly or recklessly cause unnecessary pain or suffering, or who cause pain or injury through criminally negligent conduct. Devine says this mens rea (“guilty mind”) standard for neglect makes it very hard to prosecute possible perpetrators. “There have been many cases where people essentially got off by saying, ‘I didn’t know I was supposed to feed them this type of food, I didn’t know they needed this type of care, I didn’t know you weren’t supposed to keep a dog outside.’” As a result, CSPCA officers spend a lot of their time handing out warnings. “It’s like the police seeing someone in the middle of robbing a bank and basically saying, ‘Listen, you’re not allowed to rob a bank, so I’m going to be back in three weeks to make sure you’re not robbing a bank anymore.’”

Devine applauds former Justice Minister (and McGill law alumnus) the Hon. Irwin Cotler, BA’61, BCL’64, for introducing legislation in the House of Commons in 2005 and 2006 to remove >
“major breakthrough,” but Devine says there are still strides to be made. “Without changing the mens rea standard, no one is going to get convicted anyway.”

On her to-do list, both federally and provincially: push for changes to allow CSPCA inspectors to apply the provincial legislation; expand her own inspection and enforcement department; lobby for a restructuring of ANIMA-Québec; change the Criminal Code; and launch a training program to help the police better recognize what constitutes criminal neglect. Says Devine: “Police officers aren’t properly trained on how to apply the cruelty provision. They call us, and ask us how to do it, yet we receive zero government funding.”

Devine is also working to develop test cases to define ‘adequate standards for care.’ “Prosecutors deal with hundreds of other cases – from child sexual assault to murder, and this is just one more thing in their dossier. But I can help to push the jurisprudence by helping prepare dossiers to hand over to prosecutors who care, but just don’t have the time.” In a similar vein, Devine has been doing volunteer research (along with two other Faculty of Law alumni, Kurt A. Johnson, BA’87, BCL’91, LLB’91, and Mathieu Bouchard, BCL’00, LLB’00, both from the firm Irving Mitchell Kalichman) for animal rights advocate Nicole Joncas in a lawsuit brought against ANIMA-Québec and MAPAQ for allegedly failing to enforce the law against Lamarche & Pinard, a Montreal-based company they allege runs several puppy mills in Quebec.

Despite the number of challenges ahead, Devine remains confident. “The first step is recognition – so we’ve got that far. The [provincial] government has made public commitments to meaningful changes so we’re going to hold them to it,” she says. That, says Professor Adams, is precisely the kind of attitude that will enable Devine to transform the legal landscape for animal welfare in Quebec, and beyond. “She’s highly intelligent, stubborn as hell, and kind of optimistic too. It’s demoralizing work, so you have to find that balance.”

Devine admits her work can be depressing – especially when she’s confronted with situations where animals are living in squalor, but the law isn’t necessarily being broken. But she says she is thrilled to be using her legal education to effect positive change.

“I certainly am affected by all the things I’ve seen, but the fact that I feel I will be able to make a difference enables me to get through it. And I really do hope that in the next five to 10 years we will see major changes in this province and in this country. And I really hope that I will help make those changes.”

Animal law at McGill: The Student Animal Legal Defense Fund’s chapter at the Faculty of Law is very active. This spring, third-year law student Mary Race (front left) won a prestigious Advancement of Animal Law Scholarship from the ALDF, the SALDF’s parent organization and one of the world’s best-known legal advocacy groups. Last year, law student Andrew Brighten was selected for an ALDF Clerkship in California. Here, Race is pictured with some of the SALDF’s current members: Ashlyn O’Mara (front right), and (back, left to right) Lauren Pagé, Nick Melling, and Sophie Gaillard.
Lawyers Without Borders Canada takes David-Emmanuel Roberge, BCL’01, LLB’01, to Haiti State University

On the road from Port-au-Prince to Jacmel, David-Emmanuel Roberge was struck by the beauty of the stark hills stretching as far as the eye could see. But as Roberge soon discovered, Haiti’s striking landscape tells a devastating story. “Those hills used to be covered in trees.” Less than two per cent remains of the virgin forests that once blanketed the country, and the consequences are severe: the stripping away of trees for fuel has left Haiti vulnerable to flash floods and landslides with enough power to bury whole villages under mud and sewage.

Roberge and his colleague Cindy Vaillancourt were invited to Haiti State University last February to teach its first-ever course in environmental law, as part of a new partnership between Lawyers Without Borders Canada and their firm, McCarthy Tétrault. While the university does not yet have a permanent environmental law course, it has its share of environmental issues the legal community in Haiti hopes to address. In addition to deforestation, the country faces high pollution, and a major garbage crisis. “During our stay we saw only one garbage bin in Port-au-

Prince, proudly labeled with the Ministère de l’environnement logo. It was empty,” says Roberge.

Haiti has tried to address these problems by signing the United Nations Convention to Combat Desertification, and enacting a thorough environmental management decree. But as Roberge learned on his trip, the country’s environmental issues are tied to poverty, with 65 per cent of residents living on less than a dollar a day. For example, municipalities lack the resources to collect garbage, and Haitians use charcoal from cut trees for fuel because it’s the most affordable option. This became common practice as a result of former U.S. president Bill Clinton’s blockade of Haiti in 1993, when there was no other choice.

Despite these challenges, Roberge was struck by the eagerness of Haiti State University’s students to find solutions. “People literally lined up outside the classroom to listen through the windows, because they wanted to learn about environmental law. We had so many students ask for extra copies of the textbook, we wished we’d brought more.” While Roberge and his colleague were there to teach, he says they learned much more from their students. “One of the best ways to understand your own legal system is to compare it to others, so it was more of a sharing experience than anything else. It wasn’t only us giving to that community; we got a lot back from them.”

Roberge readily admits that Haiti “is not going to see change in a week, or over the course of a four-year legal studies program.” Even so, he returned to Montreal inspired by the enthusiasm of the country’s next generation of lawyers. By the end of their stay, the Dean of Law announced there was sufficient interest to add a Master’s degree program in environmental law. “Our goal was to encourage students to get involved in environmental law,” says Roberge. “Clearly that objective was achieved.”

David E. Roberge and Cindy Vaillancourt of McCarthy Tétrault’s Montreal office (pictured above with students and faculty members from Haiti State University), were in Haiti to participate in an environmental law training mission in partnership with Lawyers Without Borders Canada, World University Service of Canada and the State University of Haiti, from Feb. 3 to 17, 2009. McCarthy Tétrault is the first major Canadian law firm to become a “Partner Without Borders” of LWBC.
As a partner with Osler, Hoskin & Harcourt LLP in Toronto, Mahmud Jamal works as a domestic lawyer who litigates local law before local courts. Yet be argues that the internationalization of law has important implications for all legal professionals in Canada – and indeed, the world. The following is excerpted from his speech at McGill's Faculty of Law in February, as part of the 2009 Meredith Memorial Lectures. Following the theme, “Les professions juridiques sans frontières: Penser globalement, agir localement,” the conference provided an occasion to explore how legal professions can meet contemporary challenges arising from the movement of jurists and firms across borders, the outsourcing of legal services, and the changing role of professional orders.

We all know that in the last 15 years the world has become a much smaller place. The dominant paradigm for these changes is, of course, “globalization,” a word that did not even exist until the middle of the 20th century, and joined the vernacular only in the mid-1980s with Theodore Levitt’s Harvard Business Review article on the “Globalization of Markets.” More recently, Thomas Friedman described globalization as a “flattening” of the earth, in which massive technological change now routinely permits worldwide communication, collaboration, and competition. No less vividly, my learned co-panelist, Faculty of Law Professor H. Patrick Glenn, has described globalization as a “compression of time and space.”

Technology has, of course, been the dominant force in this compression of time and space. But it is easy to forget how quickly this force has emerged. When I started as a summer law student in a law firm in the early 1990s, only the lawyers and the legal assistants had computers. If a student wanted a memo typed, he or she wrote it out by hand and gave it to a legal assistant for typing. And when I joined my present law firm in 1996, one of the first memos I wrote was to the chair of my department to explain what the Internet was and why it justified the firm shelling out $15 a month. After careful scrutiny, my request was approved.

What I’d like to focus on is not the many woes of technology, but rather three points that are already affecting, or that will increasingly affect, the Canadian legal profession. First, I will discuss how our profession is undergoing a profound change – a unification – what I will refer to as the “nationalization of legal practice.” Second, I will say something about outsourcing, in particular offshore outsourcing of legal services. Third, I will suggest some implications of these first two developments for legal education, from my perspective as a consumer of the output of elite law schools such as this one.

NATIONALIZATION OF LEGAL PRACTICE

Since Confederation and even before, the Canadian legal profession has been largely parochial in both constitution and orientation. Our Constitution gives regulation of the legal profession to each of the provinces over both property and civil rights (s. 92(13)) and the administration of justice in the province (s. 92(14)). As a result, we have 10 provincial bars which, for their first 100 years, existed for the most part in splendid isolation from each other. Not surprisingly, change did not come voluntarily from the law societies themselves, but rather was imposed upon them, by the Supreme Court of Canada. In 1989, in Black v. Law Society of Alberta, a bare 3-2 majority of the Supreme Court held that rules prohibiting interprovincial law firms offended the Charter’s guarantee of mobility rights. The national law firms were born.

But if national firms were given the green light in 1989, national practices still scarcely existed. That all changed in 1994 with the Federation of Law Societies’ Inter-Jurisdictional Practice Protocol. The Protocol permitted lawyers in any signatory jurisdiction in Canada to provide legal services in any other signatory jurisdiction for a maximum of 10 matters over 20 days in any 12-month period – known as the 10-20-12 rule. The Protocol was enhanced in 2006 by the Federation of Law Society’s National Mobility Agreement, which further relaxed the conditions for interjurisdictional practice and now essentially provides Canadian lawyers with full mobility rights.

What does the emergence of national legal practices have to do with globalization or the internationalization of law? Everything, it turns out. Global clients are increasingly looking for one point of contact in any country or region. This is being driven by considerations of cost efficiency, but also by a desire for expertise. From the perspective of a budget-conscious general counsel, having to manage 10 groups of lawyers is costly and inefficient. It makes much more sense to have one dedicated counsellor who can be dispatched to battle in 10 boardrooms.
OFFSHORE OUTSOURCING
We’ve all heard of outsourcing and experienced the famous Indian call centres for our computers or household appliances. In a legal context, the outsourcing of legal services refers to the transfer of services to lower-cost markets, either within the jurisdiction or outside it. The latter is referred to as “offshore outsourcing.” And of course many law firms have been outsourcing certain non-legal services for some time: printing of prospectuses, books of authorities, document imaging and e-discovery services, to name a few. What’s new, particularly in the United States, is the offshore outsourcing of legal services, predominantly to markets such as India. In 2005, a brief prepared by an outsourced lawyer in India was submitted to the United States Supreme Court. Technology, again, has been critical to this development. The ability to communicate and send documents over the Internet quickly and cheaply has driven this process.

To the best of my knowledge, in Canada we aren’t yet outsourcing Supreme Court of Canada factums or indeed any substantial legal services offshore. But I think it is just a matter of time before the same cost and savings pressures that have led U.S. firms to outsource to India affect our marketplace as well. What we are seeing more often in Canada is the hiring of contract lawyers on large litigation files to code and review documents for privilege and relevance. One of the results of the information age is that everything can be stored digitally. This has dramatically increased the number of documents on even the most routine litigation files. In this environment, it often simply isn’t feasible to staff files with enough internal lawyers. The task must be outsourced. Teams of contract lawyers are quickly interviewed and hired, and work under the law firm’s supervision. This phenomenon is still much more common in the United States than in Canada, but it does occur here.

IMPLICATIONS FOR LEGAL EDUCATION
On my third and final point, I offer these modest observations tentatively and from the standpoint of a consumer of the output of legal education, in that I am very fortunate to work with some of the best and brightest graduates of this law faculty and other esteemed law faculties in this province and around the country.

I think if there is one takeaway from the nationalization of legal practice, it is that it is increasingly irrelevant whether you learn the black letter law of any particular jurisdiction while in law school. The obvious reason for this is that you may be in court in B.C. on Monday, in Quebec on Wednesday, and in Nova Scotia on Friday. Legal practice in such an environment is necessarily an ongoing process of continuing legal education. It makes much more sense to have a structural understanding of the law from the outside, rather than being mired in the details from the inside. This is, of course another, immensely practical reason for the virtues of transsystemic and comparative approaches to learning the law and legal traditions. It is no exaggeration to say that, today, many of us are practising comparative lawyers.

Finally, if you are a lawyer in Houston or perhaps one day in Montreal who is outsourcing to Mumbai, it certainly doesn’t hurt and likely helps quite a lot to have an understanding of different legal systems and traditions – the systems and traditions, that is, of those individuals who are part of your legal team on the other side of the earth, who are diligently advancing your case as you sleep, and whom you are ethically bound to supervise in order to deliver competent legal advice to your client. In today’s world, we are of necessity all connected.

“It is increasingly irrelevant whether you learn the black letter law of any particular jurisdiction while in law school.”
– Mahmud Jamal
Every year the Faculty of Law plays host to Class Reunions celebrating milestone anniversaries as part of Homecoming festivities. In 2008 the Faculty of Law celebrated reunions for class years ending in 3 and 8. The Faculty wishes to thank the tireless Class volunteers who helped to make these events such a success!

Maria Marcheschi

The Class of 1953 celebrated 55 years as graduates at a special dinner with their spouses, hosted at the Montefiore Club in Montreal on October 18, 2008. Special thanks to William I. Miller, QC, and classmates Irving L. Adessky, QC, Arthur I. Bronstein and Herbert C. Salmon. There are already plans for another reunion in the near future!

The Class of 1958 celebrated their 50th anniversary as Faculty of Law alumni in the Common Room at Old Chancellor Day Hall, on May 30, 2008. To mark the occasion, this star-studded class made a generous donation to the Gerald Le Dain Fund in Constitutional and Administrative Law, which honours the memory of their late classmate – a popular judge, and McGill law professor (see In Memoriam story, page 37).

The Class of 1968, with their spouses, met at the University Club in Montreal to celebrate the 40th anniversary of their graduation. Special thanks to David Rosenzveig and Robert Nadeau for organizing the wonderful event, held on October 11, 2008.

The Class of 1973 at their 35th anniversary celebration, hosted at the Faculty of Law on October 18, 2008. Thanks to organizers Ian Solloway, Louis Lacoursière, Peter Martin and Pierrette Sévigny, as well as Faculty Advisory Board Chairman James A. Woods. It was their first reunion, but plans are already underway to hold a 40th anniversary celebration.

The Class of 1983 celebrated the 25th anniversary of their graduation on October 18, 2008. Professor Rosalie Jukier graciously hosted more than 20 classmates at her home for dinner, including former Dean of Law, Stephen J. Toope (now President of the University of British Columbia). Many thanks to Antoinette Bozac, April Kabbash, Isabel Schurman and Susan Zimmerman for their enthusiasm in organizing this event.

Mark Your Calendars for Homecoming 2009: October 14 to 18
Planning for reunions is underway for the Classes of 1954, 1959 and 1999. Contact Maria Marcheschi for more details at maria.marcheschi@mcgill.ca or call (514) 398-1435.
The principle that interaction between scholars and students enlivens the pursuit of knowledge was the basis for the creation of Thomas Jefferson’s architectural masterpiece at the University of Virginia in 1819. His idea of building an “ academical village” where learning is a lifelong and shared pursuit amongst all the university’s participants has retained its relevance and inspires university architecture to this day.

For Homecoming 2009, the Faculty of Law will reveal its own attempts to create an architectural landscape in which ideas can flourish, with its recent and extensive renovations to New Chancellor Day Hall.

The project took well over a year to complete, and represents an overhaul of 18,000 sq. ft. over three floors – the third, fifth and sixth – of what had originally been the Faculty’s Law Library before the Nahum Gelber Library was constructed, but which, in recent years had been given over to other faculties.

More than just a repatriation of NCDH, the renovation also brings the faculty together in three main flagship buildings attached by the Atrium: Old Chancellor Day Hall, New Chancellor Day Hall, and the Nahum Gelber Law Library.

Among the many architectural design features at the new NCDH: light-wells to allow the flow of light throughout the space; partially-frosted glass partitions to give interior offices a direct sightline to the outside world; preserved book alcoves which were uncovered in the renovations; and a massive skylight above a magnificent staircase between the fifth and sixth floors. The third floor is unique in that it is completely devoted to student space – accommodating a multimedia classroom and seminar room, and providing space for multiple student clubs, all three student-run law journals, and the graduate students’ lounge. The fifth and sixth floors feature a stunning conference room, and will house headquarters for the Faculty’s major research centres, as well as offices for professors, graduate students and visiting scholars.

The project was spearheaded by architect Claude Sauvageau, along with the Faculty’s Space Committee members – Professors Rosalie Jukier, René Provost, Tina Piper, Stephen Smith, Desmond Manderson, Building Director Margaret Baratta, Assistant Dean (Strategic) Véronique Belanger and Faculty Administrator Marie-Hélène Di Lauro.
THE 60s

Irwin Cotler, OC, MP, BA’61, BCL’64, was re-elected to his constituency of Mount-Royal in October 2008. In January 2009, he was appointed Special Counsel on Human Rights & International Justice by Liberal Leader Michael Ignatieff.

Brian A. Grosman, LLM’67, has been practising law and writing books on employment law, discrimination and human rights. As a senior partner of the Toronto firm Grosman, Grosman & Gale, he is currently editor-in-chief of The Employment Bulletin: Legal Issues in the Workplace, published by Canada Law Book. He has been practising law and writing books on discrimination and human rights. As a senior partner of the Toronto firm Grosman, Grosman & Gale, he is currently editor-in-chief of The Employment Bulletin: Legal Issues in the Workplace, published by Canada Law Book. He was appointed to the Commission of Saskatchewan.

Peter A. Howlett, BCL’66, était l’une des quatre personnalités honorées lors de la réception Hommage aux Grands Montréalais 2009 de la Chambre de commerce du Montréal métropolitain, le 29 octobre, où l’on a célébré son engagement exceptionnel et ses contributions à la communauté (Heather Munroe-Blum, Principale et vice-chancelière de McGill, était honorée aussi). Peter Howlett est aussi président des Amis de la Montagne.

Michael D. Levinson, BCL’64, was appointed to the Commission de la protection du territoire agricole du Québec starting Dec. 1, 2008. Previously, he had been at McCarthy Tétrault as counsel. At the time of his appointment, he said he was looking forward to the new challenge with a sense of excitement. Levinson was president of the Lord Reading Law Society in 2001-02.

George Springate, OC, BCL’68, LLB’69, was appointed Senior Citizenship Judge last October by Citizenship and Immigration Canada. He served as a Citizenship Judge in Montreal, a spokes-person for the Montreal Police Department, a member of the Quebec National Assembly and a founding member and tenured professor in civil and criminal law at the Police Technology Department at John Abbott College. Springate was also a kicker for the Montreal Alouettes, and played on the 1970 Grey Cup-winning team.

THE 70s

Ken Dryden, MP, LLB’73, was re-elected in York Centre last October and currently serves the Liberal Party of Canada as the National Outreach Advisor, Working Families and Poverty, and as the Special Liaison, National Fundraising.

Thomas Mulcair, MP, BCL’76, LLB’77, a été réélu dans la circonscription d’Outremont en octobre 2008. Il siège actuellement au Parlement à titre de chef adjoint du NPD et porte-parole en matière de finances.

Larry Smith, BCL’76, was named to the Canadian Olympic Committee this year, and in February was among four recipients of the Desautels Faculty of Management’s 2009 Management Achievement Awards, chosen for their leadership, entrepreneurial spirit, ethics and corporate social responsibility. As a star running back for the Alouettes from 1972 through 1980, Smith was part of two Grey Cup championship teams (1974 and 1977), and went on to work as team President and CEO. He also served as commissioner of the Canadian Football League for five years.

THE 80s

Ian M. Solloway, BCL’73, 48th President of the Lord Reading Law Society, recently served as Chair of the Society’s 60th Anniversary which culminated in a gala-dinner attended by over 200 lawyers and judges at the Montefiore Club in Montreal. Specializing in family law, Solloway was elected in 1992 as a Fellow of the International Academy of Matrimonial Lawyers. He also served three mandates as a Commissioner on the Commission d’appel sur la langue d’enseignement du Québec under the Charter of the French Language.


Steven Chaimberg, BCL’80, LLB’81, who has specialized in real estate and corporate and real estate law, as well as general litigation. He is also a founding member of the Parc-Extension Community Action Committee.


Kathy Fisher, BCL’83, LLB’84, was awarded the Lifelong Learning Award in March 2009 by the University of Alberta. In 2007, she was part of CBC’s Poetry Face-off, and in 2009 she won the Spring Fever Spoken Word Poetry Competition in Calgary.

Michael Hamelin, BCL’85, LLB’86, was reappointed to the Immigration and Refugee Board of Canada by Citizenship, Immigration and Multiculturalism Canada for a one-year term. Before his first appointment on November 1997, Hamelin owned a private practice specializing in corporate, commercial, family and immigration law, as well as general litigation. He is also a founding member of the Para Extension Community Action Committee.

Meg Kinnear, LLB’81, who has worked for the Canadian government since 1984, recently left her role as Director General of the Trade Law Bureau of Canada to take over the helm at the World Bank’s International Centre for Settlement of Investment Disputes in June 2009. Kinnear will be the first full-time Secretary-General of ICSID; until this point, the job has also involved acting as General Counsel to the World Bank.

What’s new? Send your AlumNotes to Laurel Baker, inFocus Editor-in-Chief: telephone (514) 398-3424 or email laurel.baker@mcgill.ca.
Got a story idea? See contact information on facing page.
award-winning magazine and an online website for a major retailer.


Jeff King, BCL/LLB’03, was recently appointed to a four-year CUF Fellowship in Law. King is a Fellow and Tutor in law at Balliol College (Oxford) and a Research Fellow at the Centre for Socio-Legal Studies. Previously, he was a Research Fellow and Tutor in public law at Keble College (2007–08) and Legal Research Fellow at the Centre for International Sustainable Development Law (2002–07). Having gone to Oxford to read for a DPhil in 2004, he has been focusing his research on the role of courts in welfare rights adjudication.

Stephen Gough, BA’98, BCL/LLB’08, was inducted in the New Brunswick Sports Hall of Fame in Saint John on June 6, 2009. Today, the medal-winning former speedskater lives in Montreal, where he coaches the national short-track speedskating team in preparation for the Vancouver Olympics.

Gregory Rickford, MP, BCL / LLB’05, won his first bid for the riding of Kenora during the October 2008 elections. He is a member of the House of Commons Standing Committee on Aboriginal Affairs and Northern Development, as well as the Joint Standing Committee on the Library of Parliament. He also Chairs the All Party Tourism Caucus for the 40th Parliament.

Pierre-Etienne Simard, BCL’02, LLB’02, was chosen by the Quebec Government as “young volunteer of the year” and was presented with the Claude-Masson Award in a ceremony on April 22, 2009 in Quebec City. As an active volunteer, Simard has served on more than 20 executive committees and boards of directors, notably as Vice-President of the McGill Law Students’ Association and President of the Montreal Junior Board of Trade.

Stephen Gough, BA’98, BCL/LLB’08, was inducted in the New Brunswick Sports Hall of Fame in Saint John on June 6, 2009. Today, the medal-winning former speedskater lives in Montreal, where he coaches the national short-track speedskating team in preparation for the Vancouver Olympics.

Kudos & Recognitions

2009 Lifetime Achievement Award from the Canadian General Counsel
David P. Miller, BCom’72, BCL’75, LLB’76

2008–2009 Lexpert’s Leading Lawyers Under 40
Eric Levy, BA’91, BCL’95, LLB’95
Bryan C. G. Haynes, BA’90, LLB’93
Marie-Andrée Vermette, LLB’95, BCL’97

WXN 2008 Canada’s Most Powerful Women: Top 100
Isabelle Courville, BCL’91
Françoise Guénette, BCL’76

Celebrating Bar Anniversaries

50 Years
Harold Ashenmil, BA’54, BCL’57, QC
Trevor H. Bishop, BA’54, BCL’57
Lawrence Capelovitch, BA’52, BCL’56
Paul Dingle, BCL’57, QC
Irving Finkelberg, BCL’57
William N. Gagnon, BCL’57
H. David Gregory, BCL’57
Harold Gossack, BCL’57
H. Laddie Schnaiberg, BA’54, BCL’57, QC

60 Years
Jérôme Choquette, BCL’48, cr
P. Emmet Kierans, BCL’48, QC

Jean-Paul Dufour, BCL’58
Bruce Cooper, BSc’85, LLM’85
Arthur Bruneau, BA’47, BCL’49
Dianne Lillian Dutton, BCL’91, LLB’91
Richard F. Pennefather, BSc’48, BCL’55

Isle A. Cohen (née Sternberg), the widow of Professor Emeritus Maxwell Cohen (1910–1998), passed away on Friday Nov. 14, 2008, in Ottawa. Mrs. Cohen was very attached to the Faculty in which her husband served as Dean and had some of the finest moments in his distinguished career as an international law scholar, a celebrated teacher and innovator in university-based legal education. The Maxwell and Isle Cohen Fund was established this year to honour the memory of both Isle and Maxwell Cohen and will be used to create a graduate symposium in international law (see story on page 8).
Class of 1958 pays homage to popular professor

As a law student at McGill in the ’40s, Gerald Le Dain studied under noted poet and lawyer F. R. Scott. He later went on to become a McGill law professor himself, and eventually a Justice of the Supreme Court of Canada. Now, just over a year after his death, many of the popular professor’s former students from the Class of ’58 have joined the Le Dain family in establishing a new fund designed to support student activities at McGill’s Faculty of Law.

Justice Le Dain’s son Eric called the fund a fitting tribute to his father, who was known for his commitment to young lawyers not only as a professor, but also through his work as a Supreme Court Justice, where he helped provide guidance and inspiration to law students selected for clerkships. “He was particularly fond of his early classes, and took pride in their many accomplishments.”

The Gerald Le Dain Fund in Constitutional and Administrative Law will be used to support student activities connected to legal education, notably student research assistantships. The endowed fund now sits at $50,000, including gifts and pledges received over the past year, and is expected to grow as more donations come in.

Gerald Le Dain was born in Montreal on Nov. 27, 1924. After service overseas during the Second World War, he returned to his hometown and enrolled at McGill’s Faculty of Law. He obtained his BCL in 1949, and later that year pursued further studies in France. During the 1950s and 1960s, Gerald Le Dain practised law in Montreal and also taught constitutional law at McGill University for eight years. He later accepted a position as Dean of Osgoode Hall Law School. In 1975, Le Dain was appointed to the Federal Court of Appeal and the Court Martial Appeal Court, was elevated to the Supreme Court of Canada in 1984, and made a Companion of the Order of Canada in 1989. Justice Gerald Le Dain died at the age of 83 on Tuesday, Dec. 18, 2007, in Toronto.

For information on contributing to the Le Dain fund, please contact:

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The third floor of the newly renovated New Chancellor Day Hall is completely devoted to student space (see story, page 33).