IF YOU’RE A REGULAR READER OF FOCUS YOU’LL NOTICE THINGS ARE A LITTLE DIFFERENT FOR OUR FALL 2011 ISSUE. The title and the overall design have been updated. For the cover, we selected British sculptor Barbara Hepworth’s bronze piece Square Forms and Circles, one of four works highlighted in a sculpture garden on McGill’s Downtown campus, to illustrate how law offers many layers of traditions, systems and meanings – formal and informal, written and unwritten.


Suivez le fil Twitter de la Faculté de droit pour des nouvelles ponctuelles et des annonces sur nos diplômés, nos professeurs et nos étudiants, et la photo du vendredi: twitter.com/LawMcGill

Visit Focus online, our electronic magazine, for more features, news and photos from McGill Law at: publications.mcgill.ca/droit
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NEW RESEARCH CHAIR
AT THE FACULTY

The Katharine A. Pearson Chair in Civil Society and Public Policy, a joint appointment in the Faculties of Law and Arts, will study the role of individuals and community groups in the development of legal and public policy. This chair was created through a generous gift from the McConnell Foundation.

TERMS AND APPOINTMENTS

Andrea Bjorklund, professor of law at the University of California at Davis, will join the Faculty for a year to share her expertise in investor-state arbitration issues and on international trade, investment and litigation. Bjorklund’s term at McGill is supported by the L. Yves Fortier Chair in International Arbitration and International Commercial Law.

Jaye Ellis, BCL’92, LLB’92, DCL’01, takes on the position of Associate Dean (Academic) and assumes responsibility for undergraduate student affairs and academic advising. Ellis, who teaches and conducts research in international environmental law, takes over the post from David Lametti, BCL’89, LLB’89, who held the position from 2008–2011.

Vincent Forray, fondateur de Jurisprudence – Revue critique et spécialiste du droit contractuel et de la théorie du droit à l’Université de Savoie, se joint à la Faculté à titre de professeur adjoint cet automne. Il enseignera le cours sur les obligations contractuelles.

FELLOWS

Jennifer Langlais, who is completing her S.J.D. at Harvard in cultural diversity and human rights, is this year’s Junior Boulton Fellow. Langlais has conducted research in India, Burma and Bangladesh and has served as a jurist on the African Commission on Human and People’s Rights.

Ruth Setton-Green, maître de conférences (droit privé et sciences criminelles), at Université Paris I joins the Faculty as a Senior Wainwright Fellow. Setton-Green has taught the comparative law of obligations as well as comparative law methodology and has published on European contract law.

VISITING SCHOLARS & JUDGES

Mark Massoud, an assistant professor in politics and legal studies at the University of California, Santa Cruz, joins the Faculty for one year, in a cross-appointment with the McGill Institute of Global Health. His research draws on law, political science and legal anthropology to focus on the institutionalization of law and human rights in conflict zones and authoritarian states.

Martha Minow, Dean of Harvard Law School and Jeremiah Smith, Jr. Professor of Law, received an honorary Doctor of Laws degree at Convocation on June 3. Excerpts from her speech to students, along with that of Dean Daniel Jutras, can be found on pages 8-9.

Also at Convocation this year, Angela Campbell received the Durnford Teaching Excellence Prize, awarded by the McGill Law Students’ Association.

A student in her course on Family Law noted Campbell’s “meticulously planned and executed lectures,” the creative exercises she devises to stimulate class discussion and how she writes a poem celebrating her students’ success at the end of the semester. “Excelling in Family Law is no easy feat;” the comment continues, “however, Professor Campbell is always fair and puts students up to the challenge with comprehensive feedback and support.”

Professor Campbell’s research work is featured on pages 13-15.

McGill Law Places 12th in QS World University Rankings

McGill University’s Faculty of Law ranked 12th among the world’s law schools in the 2011 edition of the respected QS World University Rankings for Social Sciences. The Faculty was also ranked first in Canada in the listings, which reflect a combination of academic reputation, employer reputation and citations by academics.

“Over the last 160 years, McGill Law graduates have gone on to make significant contributions in all areas of law and society in Canada and globally, including public and private international law, human rights and international business law,” said Dean Daniel Jutras, upon the announcement in July 2011. “We are delighted that the exceptional expertise and dedication of Canada’s oldest law faculty has been recognized by QS and those surveyed.”

Top 15 Universities, Law

1. Harvard University
2. University of Oxford
3. University of Cambridge
4. Yale University
5. Stanford University
6. University of California, Berkeley
7. London School of Economics
8. Columbia University
9. The University of Melbourne
10. New York University
11. The University of Sydney
12. McGill University
13. University of Toronto
14. University of Chicago
15. Australian National University
Last fall, a law student group working on intellectual property issues (Rethinking Intellectual Property Policy—RIPP) set out to distribute a compilation CD to students around the Faculty. The questions they posed in determining how they could do so legally merit their own extended play (EP) soundtrack:

**TRACK LIST**

1. **IS THIS CD FAIR DEALING?**
   The purpose of this CD probably doesn’t fit under one of the enumerated exceptions to ©.

2. **CAN WE ARGUE THAT WE HAVE AN EDUCATIONAL LICENCE?**
   McGill doesn’t have a licence that covers this. Even though we would not be making any money, the songs are the bands’ property and they get to control every use.

3. **IS THERE AN IMPLIED LICENCE?**
   It’s possible (but unclear) whether a band giving out a song for free online is tantamount to an implied licence for us to use the song.

4. **TO BE SAFE, WE SHOULD PROBABLY ASK PERMISSION**
   We emailed a dozen bands explaining our project and the mandate of our club.

5. **HOW MANY REPLIED? TWO**
   Great Lake Swimmers said we could use their song with proper attribution. Jenn Grant said she would love it if we used her song, but she would have to check with her manager. Her manager said no.

6. **RIPP**
   This demonstrated to us what restrictions are in place for creating something as simple as a compilation CD and why we all need to start Rethinking Intellectual Property Policy.

©RIPP All rights reserved.

(Lame joke, sorry)
An average of 14 international students number among the 170 students who graduate from the Faculty every year, and while Canada may not seem especially exotic to a student from central Maryland, the culture shock can be just as real.

On the first day of March, every year without fail, Charlie Feldman dons his flip flops for the summer. His choice of footwear garners attention from his classmates and professors, who question the wisdom of such attire in Montreal, where it will sometimes snow in May.

Born in Massachusetts, Feldman graduated with a degree in government, politics and French from what he jokingly calls “l’Université de Marie-Land” before taking up law at McGill. Feldman dove right in, relishing in-class activities and getting involved in extra-curricular endeavours such as the Quid Novi and Skit Nite.

“At first, I noticed superficial things,” he explains about his move to Montreal. “The money’s different, it’s the metric system, the spelling’s different…”

Then he stumbled upon an eternal truth that television sitcoms have long known: the perceptions Canadians and Americans hold of each other are based on stereotypes ripe for humour.

“I found out there was fun to be had by doing ridiculous things, by playing the obnoxious American abroad, if only to see the reactions you get.”

When he saw a Sarah Palin t-shirt on sale for $5 at an airport on his way back to Montreal from Maryland, he scooped it up and provocatively wore it around the Faculty during the 2008 American election season. He proudly declares that his wardrobe consists mostly of clothes from Wal-Mart or Old Navy. And he is vocally skeptical about a subject Canadians hold dear: hockey.

“People will say, ‘Let’s watch the game,’ and my response is always, ‘Why?’”

But there are more nuanced differences too. Feldman lists by way of example a number of terms and ideas that translate very differently on either side of the 49th parallel, terms such as visible minority and socialism (both of which carry negative connotations south of the border), nationalism, freedom or even the word eh.

Caricatures aside, Feldman actually pays a lot more attention to these subtleties than he initially lets on: “Before coming here, I learned the Canadian national anthem in English and French because in the US, we sing the national anthem like no one’s business. I read the Globe and Mail and watched The National online, and I would check the Top 10 lists for Musique Plus and Much Music once a week to see what people were listening to,” he recalls.

He also writes fluently in both French and English, and, having spent over a year working on Parliament Hill, he can recite every Canadian riding and electoral district by heart.

However, he adds, preparation only goes so far. “As much as one can read about how ‘la bise’ is done, it was still very awkward the first time someone leaned in for the cheek kiss. I occasionally still bump heads with people by going to the wrong side first!”

Charles Feldman convocated on June 3, 2011, receiving a BCL/LLB degree.

“People will say, ‘LET’S WATCH THE [HOCKEY] GAME,’ AND MY RESPONSE IS ALWAYS, ‘WHY?’”
Martha Minow, Dean of the Harvard Law School, received an Honorary Doctorate during Convocation in June. Here, in excerpts from her speech to students, she shares her thoughts about the importance of perspective in legal education.

I am honored beyond words to be a graduate of this extraordinary school. I will take my moment with you to celebrate the work each graduate has pursued here in comparing legal systems. My message is simple: you have a gift and a duty because of your expertise as comparativists. The unique transsystemic program at McGill reflects this school’s grand tradition in comparative law and its marvelous commitments to pluralism and human rights. By equipping you all with both civil and common law traditions, your school not only has given you two diplomas [keeping the picture frame companies busy] but also a head start, enabling you to work and move between these systems. In addition—and this is key—the resource you have sets you on a course of creative problem-solving, and I hope you pursue it.

In a conversation I had when I was just starting law school, I talked with a government official and asked for advice about what to study. She told me: “comparative law.” I was puzzled, as she worked entirely on domestic matters designing administrative procedures. She explained, “That’s the only course where I learned over and over, ‘It could be different, we could do this an entirely different way.’”

There is [also] something beyond conventional legal analysis that comes from comparing systems and thinking systematically about differences. It’s like bilingualism. Researchers show that children with knowledge of two languages display enhanced creativity, increased test scores and literacy skills, as well as greater cultural understanding and greater options on the job market. Comparative thinking can have similar benefits, especially in advancing creative problem-solving.

Creative problem-solving involves challenging, rearranging, and connecting information in new ways. Consider the judge in a Michigan child custody case who went beyond the traditional thinking about how much time the children would spend at each parent’s house. Instead of shuttling the children between two homes, the judge decided that the children would stay right where they were in the home they knew, and the parents would move in with them on alternating weeks.

One of the crucial benefits in thinking comparatively comes from the challenge to think about things we take for granted. A Chinese proverb says, “If you want a definition of water, don’t ask a fish.” Sometimes it takes someone outside your own sphere to see and describe something you take for granted. And there’s nothing like learning how, to some, you are “the other” to help you become adept in questioning your own assumptions.
The years ahead demand creative thinking. Law practice in the quickly globalizing economy requires innovation—in the structure, compensation methods, and transnational expertise of law firms and legal organizations, and in the solutions to unprecedented issues. Revolutions in information technology and in biomedical and biotechnology call for new guidelines about privacy, ownership, secrecy, security, and self-determination. Resource scarcity, energy demands, environmental degradation, and global climate change require fresh forms of governance across borders and professions. We are at an inflection point in world history—when the ways we learn and teach, do business, handle conflicts, pursue freedom, equality, and security will change. And creative problem-solvers will shape those changes. For that, we especially need people who can think about things in more than one way.

Today and tomorrow, you each will make a real difference—in tackling how we all deal with difference, and build our world. As you do, I hope you’ll remain grounded in ties with family and friends as you build the bridges enabled by comparative thinking—to address the challenges and opportunities we all face.

The discussion about legal education and legal scholarship continues in the coming year as the Faculty hosts a major international conference on new ways to think about law. Entitled “Stateless Law? The Future of the Discipline,” the conference will take place in May 2012, featuring well-known jurists and academics from around the world. For more details, keep an eye on our website, www.mcgill.ca/law and don’t forget to subscribe to the Focus online alumni newsletter at publications.mcgill.ca/droit

View these speeches in their entirety on McGill University’s YouTube channel (www.youtube.com/mcgilluniversity) under “Terrific Talks.”
La popularité du programme de 3e cycle en droit de McGill monte en flèche et attire des étudiants de partout au monde. Pourquoi cet engouement pour les études supérieures?
L e succès du programme n’a rien d’un mystère : c’est grâce aux efforts faits par les professeures Shauna Van Praagh et Rosalie Jukier, successivement vice-doyennes aux études supérieures. Objectif : accroître la visibilité du programme de doctorat au cours des cinq dernières années. Aujourd’hui, un plus grand nombre de demandes d’admission a bondi. La Faculté espère donc pouvoir admettre une quinzaine d’étudiants l’année prochaine, soit une augmentation de 30 %.

Les critères d’admission resteront toutefois très serrés, affirme la professeure Rosalie Jukier, l’actuelle vice-doyenne aux études supérieures. « L’admission au doctorat n’est pas seulement une question de chiffres. Nous cherchons des étudiants qui possèdent clairement les habiletés de recherche nécessaires et qui formeront un groupe motivé et diversifié dans ses origines et ses intérêts. »

Nous avons eu l’occasion de converser avec trois de ces docteurs pour comprendre ce qui les a amenés à McGill.

**CLARIS HARBON, PIONNIÈRE POUR LES FEMMES**

L’avocate israélienne Claris Harbon, une diplômée des universités Yale et de Tel-Aviv, ne cherchait pas seulement les grands noms quand elle a décidé de faire une demande d’admission à McGill. « Je cherchais aussi un endroit où on m’aiderait à me faire un nom, » dit-elle. Claris est une féministe avertissement qui n’a pas peur des sujets controversés. À McGill, on me laisse être moi-même. Je peux explorer mes idées en sécurité, dit-elle. C’est essentiel pour des études doctorales. C’est un processus difficile, solitaire, surtout pour les étudiants étrangers comme moi.

Sa préoccupation principale: les femmes et les minorités opprimées qui désobéissent aux lois au nom du droit à la liberté et à la justice. « L’idée que pour créer des lois, il faut passer par la Cour suprême ou aller au Parlement, est fausse. De nouvelles normes peuvent naître dans des endroits plus humbles et les gens peuvent changer les lois en les transgressant, comme une manifestation légitime de résistance et de désobéissance civile pour corriger des injustices. »

Son étude porte sur l’avortement au Canada et la minorité Mizrahi en Israël. « L’avortement au Canada, c’est une histoire de résistance et une série d’actes illégaux réalisés par des femmes avec l’aide du Dr. Morgentaler. C’est fascinant, » dit Claris. En Israël, les femmes Mizrahi (de confession juive, mais originaires de pays arabes et musulmans) résistent à la discrimination en occupant illégalement des logements subventionnés qui sont dédiés à d’autres. Claris Harbon, qui est elle-même Mizrahi, s’est battue avec elles comme avocate. « Et je peux vous dire que de toutes les femmes que j’ai défendues, aucune n’a été évincée de son logement. » Contrairement à l’avortement au Canada, les attitudes discriminatoires en Israël n’ont pas changé, mais c’est tout de même la désobéissance qui a permis à certaines femmes d’obtenir justice.

**THOMAS McMORROW :**

**LES NORMES À L’ÉCOLE SECONDaire**

C’est aussi le domaine du pluralisme juridique qui a attiré Thomas McMorrow à McGill. Sa thèse s’intéresse à la relation entre les adolescents et les normes. « Nous sommes tous des créateurs de lois, des interprètes. Nous donnons un sens à la loi par nos actions. Ce concept de pluralisme se retrouve très visiblement dans le contexte d’une école secondaire. Le fait d’obéir ou de désobéir, c’est une idée dominante dans ce milieu. »

Dans sa thèse, Thomas remet en question le fonctionnement du système d’éducation. Il y explore non seulement les théories juridiques, mais aussi la sociologie, l’anthropologie et les théories de l’éducation. « Nous devons trouver un moyen de pousser les jeunes à réfléchir sur les normes qui les guident, ce qui les aiderait à jouer un rôle plus actif dans leurs propres vies. Le problème, c’est qu’on ne leur apprend pas à trouver des réponses. On ne leur donne pas d’outils pour résoudre leurs problèmes. On leur trace seulement des limites. »

Thomas McMorrow a fait sa maîtrise à McGill sur un sujet connexe et pour lui, s’inscrire au doctorat était la voie naturelle à suivre. « J’ai tout de suite été attiré par le milieu enrichissant de McGill. Il y a beaucoup d’occasions de s’impliquer, de rencontrer des personnes intéressantes. Il y a des étudiants du Mexique, de la Yougoslavie, des États-Unis, de la Chine... Nous explorons tous des sujets différents, mais ce qui nous intéresse avant tout, ce sont les questions de justice. »

**KATE GLOVER : UNE BIOGRAPHIE DE LA COUR SUPRÊME**

Kate Glover a entrepris des études de troisième cycle pour le grand voyage d’exploration qu’elles représentent. « Le doctorat est pour moi une façon passionnante de m’investir à fond dans le droit, dans les processus de recherche et d’apprentissage, et aussi dans l’exploration de mon identité. Je voulais pouvoir me consacrer à l’étude de certaines notions fondamentales du droit en employant des approches critiques littéraires et philosophiques. »

Pour sa thèse, Kate rédige une biographie institutionnelle de la Cour suprême du Canada. Elle veut examiner le rôle actuel de la Cour et de ses décisions dans notre vie politique, sociale et quotidienne et imaginer comment ces rôles pourraient changer dans le futur. Kate explique que sa thèse vise à « explorer la signification contemporaine et future d’une icône juridique controversée – la décision de la Cour suprême. »

Kate a d’abord étudié la philosophie à McGill puis le droit à Halifax, avant de compléter sa maîtrise à Cambridge, au Royaume-Uni. Elle a ensuite pratiqué le droit dans un cabinet d’Ottawa et passé un an à la Cour suprême du Canada comme avocat. Elle a dû faire face à des difficultés, mais l’université lui manquait. « Chaque fois que j’ai quitté l’université, j’ai ressenti le besoin d’y retourner. La liberté académique me manquait. La Faculté de droit de McGill possédait tous les critères que je recherchais et c’est une excellente faculté, sinon la meilleure au pays. »

[ MARIE-CHRISTINE VALOIS ]

**A DOCTOR’S DOZEN**

A record number of students completed their doctoral degrees in 2010-2011, with thesis subjects ranging from health law, human rights and international law to intellectual property, legal education and space law. Congratulations to the following graduates:

- Suzanne Bouclin
- Mélanie Bourassa-Forcier
- Anna Conley
- Julie Cousins
- Alireza Falsafi
- Melissa Martins-Casagrande
- Michael Mineiro
- Yaw Nyampong
- Catherine Piché
- Vincent-Joël Proulx
- Annie Rochette
- Adrian Smith
Untangling the property rights over space-generated data

It’s Spring 2011 and parts of Manitoba are under serious threat of flooding. In an effort to control the damage, authorities decide to conduct a deliberate breach of the Assiniboine River. Twenty-four hours later, the Canada Centre for Remote Sensing has posted an image of the controlled flooding, captured by Canada’s RADARSAT-2 satellite, on its website.

It is a remarkable feat of technology. Raw data are collected in space and then sent back to earth for processing, providing valuable information about what is happening in our local environment. Each step of the way takes an investment of money and resources. The copyright statements that accompany this image hint at the underlying complexity. No less than four rights holders are named: Her Majesty the Queen in Right of Canada, Department of Natural Resources; Macdonald, Dettwiler And Associates Ltd; GeoBase®; and the Microsoft Corporation and its data suppliers. But just who owns what? More importantly, who is allowed to access and use the information?

Enter DCL candidate Catherine Doldirina. Doldirina is working with both the Institute of Air and Space Law and the Centre for Intellectual Property Policy at McGill on these very questions.

“Data are usually protected by some kind of intellectual property law,” she explains. In the case of information collected by satellite—remote sensing data—the most applicable legal framework is copyright law. When it comes to applying the law, however, it turns out that things are not straightforward.

“Copyright is usually invoked to protect works of originality and creativity,” says Doldirina. “But this doesn’t apply to remote sensing data. They are simply reflections of reality, no matter how sophisticated the process of acquiring them is.” So how can satellite owners and operators protect the raw data? And should they? Doldirina believes that overly protecting the data comes at a cost. “If the data are not used, they become useless,” she explains. In many cases, the satellite owners and operators are not the ones developing applications from the information collected. If they limit access to the data, they also limit the development of novel applications of the information and the growth of value-added industry.

To further complicate matters, copyright and the regulations that control access to public-sector data are governed under national laws, and different regions take different legal approaches to treating remote sensing data. The U.S., for example, has a more open approach to the sharing of public data than either Canada or Europe, where the distribution of data generated by state-owned satellites is governed more by commercial interests. Other countries seem to be following the U.S.’s lead. China and Brazil are making data collected by their joint satellite program, CBERS, freely available.

Doldirina thinks this is a move in the right direction. “Remote sensing data can be used for hundreds of different purposes, from commercial to humanitarian,” she explains. These uses reflect the importance of remote sensing data for society. In her thesis, Doldirina uses the theory of common good to argue for a regime of sharing data that better serves society at large. “I think we have to focus on a balance of interests and accommodate usage rights, not just the immediate economic interests of the companies who acquire the data,” she says. In the case of the flooding of the Assiniboine River, it is easy to see her point.

[ MARIA TURNER ]
La santé est un enjeu prioritaire au Canada et des dizaines de milliards de dollars sont injectés chaque année dans notre système de santé. Pourtant, les listes d’attente s’allongent et la population continue d’adopter des comportements malsains. Lara Khoury et Angela Campbell, professeures de droit à l’Université McGill, croient avoir trouvé une piste de solution : aborder la responsabilité en santé publique d’un point de vue collectif.
une se spécialise en droit privé, l’autre se concentre davantage sur la famille et les communautés. Les deux voulaient combiner leurs expertises. « Au début, ce n’était pas évident, dit Angela Campbell, mais nous avons finalement trouvé la meilleure façon de joindre mon travail en droit de la famille à celui de Lara, qui s’intéresse à la responsabilité civile en santé. »

« Aujourd’hui, le lien nous paraît évident : les normes familiales, celles dans les communautés, dans les écoles, au travail et les attentes des différents groupes, toutes influencent les choix de vie que font les gens. Nous nous penchons sur la responsabilité collective en santé, plus large que celle du simple individu par rapport à lui-même. »

Selon les deux professeures, les politiques actuelles en santé auraient un plus grand succès si elles tenaient compte davantage du rôle des familles et des communautés dans la formation des croyances et des comportements.

« La problématique à laquelle nous nous intéressons vient du fait que nos règles juridiques se concentrent sur l’individu, affirme Lara Khoury. Elles sont moralisatrices et tiennent pour acquis que les individus font des choix complètement libres. Selon le système actuel, la meilleure façon d’améliorer la santé des gens, c’est de changer les comportements des individus. Mais on ne tient pas assez compte dans notre conception juridique de la responsabilité en santé publique de toute la dynamique familiale et communautaire qui influence ces comportements. »

RESPONSABILISATION ET NON COERCITION

Mais tenir compte du rôle que jouent les familles et les communautés ne signifie pas que l’on doive adopter des lois coercitives, comme le traitement forcé de certaines maladies infectieuses. Loin de là. « Le modèle de la loi coercitive est très rarement appliqué en santé publique, car un comportement malsain n’entraîne pas toujours un danger clair pour autrui », affirme Lara Khoury.

Elle explique que les gouvernements vont plutôt utiliser une méthode avec des effets indirects, comme taxer la malbouffe. La responsabilité des fabricants de fast food dans le développement de l’obésité infantile a été considérée dans de nombreuses décisions judiciaires, notamment aux États-Unis.

Mais il reste que dans la pensée juridique dominante, c’est le choix personnel de l’enfant ou de la famille de décider quoi manger. Or, on sait qu’il y a des facteurs socioéconomiques plus larges qui poussent les gens à consommer du fast food. Par exemple, les familles avec des revenus peu élevés ont tendance à en consommer davantage.

Le travail qu’entreprennent les deux chercheuses vise ultimement à proposer des changements aux règles et politiques actuelles pour qu’elles aient d’avantage d’impact sur la santé publique. « Le défi, c’est de maintenir un espace de liberté individuelle, dit Lara Khoury. Chacun peut vivre sa vie comme il entend la vivre. On ne peut pas trop empêter sur les choix personnels. On ne veut surtout pas s’immiscer dans la cuisine ou la chambre à coucher des gens ! »

Les chercheuses visent d’abord les programmes gouvernementaux, les décisions juridiques et les normes au sens large. « La législation a pour but de modifier les comportements, d’offrir des incitatifs aux gens, dit Angela Campbell. Par exemple, on fait des efforts dans les écoles pour encourager les adolescents à faire des choix alimentaires sains et contrer l’épidémie de l’obésité. Nous
la meilleure façon d’améliorer la santé des gens, c’est de changer les comportements des individus, mais notre conception de la responsabilité en santé publique devrait aussi tenir compte de toute la dynamique familiale et communautaire qui influence ces comportements.”

— Lara Khoury

RESEARCH GROUP ON HEALTH AND LAW

Angela Campbell and Lara Khoury serve as the conveners of the Research Group on Health and Law (www.mcgill.ca/healthlaw), an initiative that seeks to build research opportunities across disciplines. The group organized events throughout the year to highlight ongoing conversations about health and law, including panels on public bike-sharing systems, on vaccine controversies and on euthanasia and assisted suicide.

RGHL also works in conjunction with the McGill Journal of Law and Health, a peer-reviewed journal published by McGill Law students (mjlh.mcgill.ca). In March 2011, the journal organized a colloquium on reproductive justice, covering topics ranging from in-vitro technology to the rights of Inuit women to birth in their own communities.
Going Places

DUBAI, HAVANA, HONG KONG, KRAKOW, PARIS.

Five McGill Law grads who have made these cities their home discuss the paths they’ve travelled and the lessons they’ve learned from working in law around the world.

HÉLÈNE MATHIEU, BCL’93, LLB’93

DUBAI

had always wanted to go abroad to study or work, so after I finished my articling it was a natural choice that I would go somewhere. In what can now be viewed as a twist of fate or fortune, my first offer to go abroad came from a friend who had opened an immigration service in Dubai in November of 1994. It was not the type of work I had envisaged for myself while studying at McGill, but it was an overseas assignment that would bring international exposure — and beaches.

I was sworn in as a lawyer on December 12 and I was on a plane to Dubai on December 27. I had no Arabic background, didn’t know any Arabic words, and knew little of the culture. What I knew was newsfeed from the Gulf War, which in no way represented the vibrancy and opportunities of this region. I arrived in Dubai with my worldly possessions in two suitcases, accompanied by an open mind and a desire to learn.

I quickly found out that one of the keys to learning any language is not to be afraid of making a fool of yourself. In Arabic, just a small dot on a word makes a completely different meaning. With just a minor mispronunciation, you’re going to say something else. I once tried in vain to impress someone with a new Arabic phrase: I tried to say “I want to ask you a question” and what I actually said was, “I want to ask you diarrhea.” Not exactly the same thing...

Making an effort to learn a bit about the culture and a few words of Arabic has had great benefits for me personally and professionally. Speaking Arabic is a sign of respect and continues to be instrumental in my success in Dubai.

It was pure luck, but the timing of my arrival in Dubai was perfect. His Highness—now the Vice President, Prime Minister and ruler of Dubai—Sheikh Mohammed bin Rashid Al Maktoum, was named Crown Prince of Dubai ten days after I arrived. From that moment, Dubai really started to put itself on the map as the city announced new projects, such as the construction of the Burj Al Arab luxury hotel. Things really took off from there.

After a year and a half working with immigration in Dubai, my entrepreneurial side took over and I started to go through the licensing process. At the age of 27, with three years of legal experience, I approached the Ruler’s Office to apply for a license to operate a legal consultancy. It took me almost two years to get the permission: I had to work really hard and never take a “no” for a “no.”

From humble beginnings, my practice grew with my clients and with the country. In 1997, if you had said I would practice in the real estate sector, I would have laughed out loud. It was non-existent at the time; today, it’s a multi-billion dollar sector.
Being established in Dubai for a considerable amount of time has given me the opportunity to build a tremendous network in this part of the world. We spend a lot of time putting companies together, assisting in joint ventures; matching suppliers with clients, etc., things that are more difficult to do in a more mature market.

**CAMERON YOUNG, BCL’91, LLB’91**

**HAVANA**

I graduated from McGill’s National Program, so I had taken both the civil and common law streams. In 1995, after working in Montreal and completing an LLM from Duke University, I moved to Budapest, Hungary, where I worked at Baker & McKenzie until mid-1998.

Baker & McKenzie’s business model was to establish offices everywhere in the world, and their Hungary office was the first of any Western law firm to open behind the Iron Curtain. They were pioneers, really, going into what were essentially closed markets, and they went in three or four years before anyone even thought the Berlin Wall would come down.

Following the fall of the Berlin Wall, Hungary became what we call a transition economy and the business world was on fire. It was a very exciting time to be a lawyer because there were deals everywhere—the entire economy was being re-organized, re-financed and re-structured.

Being there and seeing Baker & McKenzie’s position in the market after the Wall came down, it was very clear to me that, in a knowledge-based business like law, being there first and knowing your way around and knowing the language, the culture and the rules was a big advantage. So when I wanted to leave Budapest, I looked for a place where I would be first, where I was likely to encounter a market opening and where I thought there would be a transition.

I decided to go to Cuba. When I arrived, I found a fascinating place. Given that Cuba was still closed off and that it was off-limits to the US, a small niche firm like ours had lots of opportunities because none of the big firms would touch Cuba—and still won’t.

There was also some luck involved in being there at the right time. Cuba has a restrictive attitude towards foreign lawyers, so we were quite lucky to get in and get settled when we did, because it was not something that was possible before or after.

I moved to Havana and set up Berger Young with Sebastiaan Berger, a Dutch lawyer. By mid-1999, we got our licence and were really established as a firm. We are not qualified as Cuban lawyers so we always work in conjunction with local firms. We also manage a Cuban investment fund called Ceiba Investments. We took over its management in 2001 and are essentially the largest foreign real estate investor in Cuba, with assets in commercial real estate and hotels. We aim to get Ceiba listed on the Toronto Stock Exchange before the end of this year.

The investment world in each country is, of course, very different. Cuba is especially different because it is essentially a closed economy. The Cuban government is a principal actor in the economy, but also holds the traditional roles of regulator and authorizing body.

One of the difficult things to keep in mind when you’re looking to invest in a Cuban joint venture is that, although the government is your partner—so you are negotiating straightforward investment documents with them—it is also regulating your activity. It may be the buyer of the goods you are making and/or the seller of the raw materials. It’s wearing numerous hats in the transaction, and that is very disorienting. You may think you know the basis you are working on, which is to create a profitable investment, whereas the person across the table from you might have other interests, such as creating employment or ensuring the low cost of goods. There are all kinds of other factors that enter into the other side of the deal and, if you are unaware of those, you can make mistakes.

**ELIZABETH THOMSON, LLB’74, BCL’75**

**HONG KONG**

I was working in Thunder Bay after graduating from the Faculty in 1975, trying to decide what I wanted to do next. I spoke to a friend of mine who was in love with Asia—more specifically, in love with a girl from Hong Kong. He convinced me to fly to Hong Kong...

A week after my arrival, I met a British man at a party who kept asking me questions about my qualifications as a lawyer. Eventually, I asked if our conversation was in fact a job interview and he replied, “Yes, it is.” He had bankruptcy problems involving China, Taiwan, Canada, Austria and the USA and he needed someone to
handle it. [This was in 1977, when no one believed that the PRC and Taiwan did business together!]

That was the beginning of my international life—I flew around the world three times that first summer alone. It was every law student’s dream and something you could have planned. I fell into it and discovered I wasn’t a bad businesswoman. So in 1980, three years after landing in Hong Kong, I founded ICS TRUST to work with companies who were expanding into Asia and China and who wanted customized services for doing business here.

The biggest mistake many company owners make when starting out in China is to ignore Hong Kong in their strategic plan. The legal, financial and regulatory hoops foreign companies have to jump through when starting and running operations in China can seem insurmountable, but anyone who understands how to use Hong Kong as a gateway into China will see those barriers drop. For example, we had a client who wanted to establish himself in China and who was thinking of setting up a wholly foreign-owned enterprise (WFOE) in China itself. We advised him that with a much smaller initial investment, he could open a representative office (RO) in China, with a company in Hong Kong serving as that office’s parent.

This structure, with Hong Kong as a gateway, acts as a liability firewall between our client’s North American operations and his China venture and, as an added advantage, there are tax and accounting benefits that follow, such as direct import and export services, which might not otherwise be available to a foreign company.

Our services include corporate structuring, opening of bank accounts, and managing business in Asia and internationally, but I also often find that what we do is a significant bit of cultural advising as well. I remember I was with one experienced executive who was doing business with a company in China, and he told me that his business partner in China seemed to really like him.

“He’s taking me to all these restaurants, to see the sights… we have a great relationship,” he said.

I looked at him and I said, “You know what he’s doing, right? He’s taking up all your time so you can’t meet with any of his competitors!”

This was a savvy business executive who would never have overlooked something like this in Canada or the United States, but because of the changing setting, his expectations were different.

Having been in Hong Kong for more than three decades, I’ve witnessed the city’s dramatic growth and was here for the handover in 1997, when Britain transferred sovereignty over Hong Kong to China. I remember my mother calling me from Thunder Bay on the night of the handover to say, “Come back to Canada; the troops are coming!” Of course, it was the People’s Liberation Army coming across the border.

Even though nobody really knew what was going to happen after 1997, the Basic Law [the constitutional document of the Hong Kong Special Administrative Region] says that things will stay the same at least until the year 2047. In fact, Hong Kong has only grown since then—China is set to be the future global powerhouse, but it is Hong Kong that is today’s global business, trade and financial hub of Asia.

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EWA DON-SIEMION, LLB’95
KRAKOW

I came from Poland to New York City in 1988 with my husband, who had gotten a Fulbright Scholarship at Columbia. I started working as a paralegal for Shearman and Sterling and, for the first time in my life, I thought, “Wow, it would be cool to be a lawyer.” I already had an MA in English literature and I knew French, so I decided to apply to McGill and the rest is history.

In 2000, I returned home because I was working for and sitting on the board of a large Polish telecom company. That was at the time when the telecom market went bust. Instead of getting a nice in-house job, I got handed a very tough restructuring project with proceedings in the States, the Netherlands and Poland.

When that ended, I decided to stay in Poland to start a law firm together with two colleagues. This proved to be very good timing because six months later, Poland joined the EU. We currently are one of the larger firms in Poland, employing 40 lawyers. We do mostly transaction work, with over 50 percent of it in English.

Poland sailed through the global economic crisis as the only country in Europe with a consistently positive GDP. I think we will see more and more international businesses coming to the country. It won’t change the legal demands, but certain business and legal standards will become more unified. At the same time, you cannot impose the legal rules of North American and English jurisdictions on the rest of the world. I think we will see more internationalization of business transactions and lawyers knowing how to make those systems mesh with the demands of local jurisdictions.

I keep the Code civil du Québec on my desk. It’s a valuable translation tool, since I often have to work with civil law concepts in English. It’s sometimes difficult to find the appropriate English translation, and the work Professor (Paul-André) Crépeau and his team did in translating civil law from French to English has been very helpful.

In my practice, I need to always keep in mind that a client from a different country will come from a different legal background and have different expectations. They may not understand some elements of the Polish system. For example, a North American notary public has nothing in common with a notary in Poland or France. You have to explain this is a serious issue in European countries, because if you overlook the need for a notary, it can void your entire transaction.

I think the biggest difference between North American and Polish lawyers is that in Poland, legal training remains very theoretical. If you see a memo written by a Polish lawyer, it will read like something out of Dickens’ Bleak House, with lots of rules quoted and no clear answer. I am appalled by how outdated the teaching is at Polish law schools and out of touch with business realities.

Because of this, we spend a lot of time training our lawyers to become very practice-oriented. The translation from legalese to normal life—writing memoranda that can be understood not only by lawyers but by business people too—is the thing we struggle with the most when we recruit and educate our young lawyers.
FAMILY BACKGROUND

Family background is important to understand how I ended up where I am today. My father, Raymond Lette, was a well-known lawyer in Montreal; I was born in Paris in 1948 and we moved to Montreal in 1950. I grew up in a family where we spoke French, English, German and Italian. I went to McGill and so did my three brothers. We are four boys, two lawyers and two doctors. We joke in my family that the average ones went into law and that the smart ones became doctors.

I entered McGill Law when I was 17. I was concurrently a student at the Faculty of Law at the University of Paris and so after graduation, I was called to the Bar both in Quebec and in France. After I was called to the Bar in Paris, my intention was to return to the family firm, where my father was a partner in Montreal. But my father, who was my coach and idol, suggested that I spend three years in Paris so that I would gain some practical legal experience there. And then I married a French girl and instead became very intent about staying in France and opening our own office there!

All this happened when I was 24 and in those days, it wasn’t an asset to be young when you were a lawyer. In fact, a “young” lawyer in Paris was under the age of 40. So I rented a small office space in the Canadian National Bank building on Avenue George V in Paris. It is a very impressive building, but the office space itself was in the courtyard. That is how I tried to make up for my young age in those early years: by having a very prestigious address, but sitting in the courtyard.

In the 1970s, there were relatively few lawyers in Paris who were bilingual in French and English – some Brits, some Americans – and even fewer who had a civil and common law background. I had three assets: one was being bilingual and legally bicultural; the second one was being Canadian because everybody equated Canada with all things honest and intelligent. Every time you met somebody and you said, “Je suis Canadien,” they would reply, “Ah, c’est bien,” and relationships always started on a very positive note. The third asset was coming from McGill. McGill has always had terrific equity in Europe and in France. It was true at the time and remains true today.

Once I discovered my strong points, things got off to a pretty good start. I began working for American, European, Japanese and Brazilian businesses and it became very interesting because my training was in comparative law. For example, I was hired in the 1980s by an American oil company that had a big project in Algeria. They liked me because I was French-speaking but Canadian: there was no colonial history. I got along fine with the people from Texas and I got along fine with the people from Algeria.

I’ve committed to fund a fellowship in comparative law at McGill and the first fellowship goes out in 2012. In a family of doctors and lawyers, we like to say that pathology knows no borders. The law, however, was not invented by nature; it was invented by the human mind and the human mind knows all kinds of borders. Comparative law throws your system into perspective, which very few other countries do. Canadian legal studies are a natural for educating lawyers to be comparative lawyers.

PHILIPPE LETTE, BCL’68
PARIS

When Catherine McKenna, LLB’99, and Yasmin Shaker, LLB’01, founded Canadian Lawyers Abroad in 2005, their mission was simple. “We wanted to create an organization that used law to improve lives in Canada and abroad,” McKenna explains. Today, CLA works with partner organizations in places such as Ghana, Kenya, Sri Lanka, Thailand and Timor-Leste and runs a student chapter and internship program at ten schools, including McGill.

Their website, www.cla-ace.ca, provides a wealth of information and dispatches from lawyers working in countries all over the world.

Photo Credits:
Flickr Creative Commons: Jon Rawlinson (Dubai); puyoi5 (Havana); Michael Lam (Hong Kong); bazylek100 (Krakow); and Walker* (Paris).
During a break in a class on constitutional law at McGill, Stephanie Heng Lu did what students everywhere do: she dove into her laptop to see what her friends were saying on social networking sites. But instead of heading for Facebook, Lu checked into RenRen, a parallel site for users in China, where Facebook is banned.

Lu was at the Faculty of Law at McGill for two weeks along with nine other classmates from Shantou University (STU) as part of a summer law program that brings together students and professors from both institutions and exposes them to different legal cultures in order to prepare them for practice in a globalizing economy.

The students attended classes, visited Parliament and various courthouses, including the Supreme Court of Canada, and toured the scenic Montmorency Falls of Quebec City. But the most eye-opening moments for students and instructors alike came at the juxtaposition of choices—social media sites, food (poutine or rice?), and photo poses (smile or strike a V for victory?)—that pointed out similarities while highlighting differences both superficial and substantive: How are intimate relationships viewed and regulated? What are the rights of the accused in the criminal system?

The course encourages this kind of cultural understanding by sending its participants abroad, explained Assistant Dean
Véronique Bélanger, who co-taught the program with Associate Dean Rosalie Jukier and colleagues from Shantou University Law School. The first edition in 2010 took ten McGill students to Shantou, China, for two weeks and this year, ten students from Shantou flew to Montreal. The course is also part of an expansion of opportunities for faculty and students in Asia, with new initiatives with universities in Singapore, Hong Kong, Shanghai and Beijing.

“I’ve always been interested in political developments in China, but this gave me a chance to talk to students from China, to understand what they think about their government and their legal system,” said third-year student Dina Awad.

Both times, the visiting students were greeted by ten additional students from the host university, a feature that enabled students to not only learn about a new legal system, but also to reflect on their own context through the eyes of a newcomer.

“We had been told that there were three things we shouldn’t discuss in China that all start with T: Taiwan, Tibet and Tiananmen,” said fourth-year student Andrew Hodhod, who travelled to Shantou in 2010. “But the Chinese students were really aware of these issues and even seemed to know that we would want to ask about them.”

A joint class presentation at McGill on immigration laws in China and Canada brought assertions from the Chinese students that immigration procedures in Canada are “much better” than those in China, which, for example, does not allow dual citizenship. At the same time, the McGill students questioned Canada’s immigration history, pointing out new restrictions and past travesties, such as the Head Tax and the Chinese Exclusion Act.

“After I came back to China, I realized that I really learned a lot in Canada,” Jasmine Yu Shi Yang commented. “When I write papers, I can use what I learned from the professors and other students at McGill. That feeling is great—it just opened a new way of thinking!”

“The course offers an invaluable opportunity for cross-cultural exchange in a way that is immediate and accessible,” added Bélanger. “The students are connecting with their peers from another country, peers who very well might be their colleagues five or ten years down the road.”

[VICTORIA LEENDERS-CHENG]
Le dimanche durant lequel 24 étudiants de McGill établissaient leur campement sur les rives du Saint-Laurent, il pleuvait si fort qu’ils ont dû avoir recours à des sacs de plastique – par-dessus leurs chaussettes, autour de leurs cahiers, sur leurs cheveux – pour tenter de se garder au sec.

Puis la deuxième nuit, alors que la pluie s’abattait sur leurs tentes, le vent s’est levé brusquement, arrachant piquets et envoyant voler des tentes. Si ces étudiants se sont inscrits à ce cours – Études autochtones sur le terrain – dans l’espoir d’être dépayrés, ils ont été comblés, à pleins seaux!

Le cours interdisciplinaire invite des étudiants dans quatre domaines (droit, travail social, anthropologie et éducation) à passer trois semaines à apprendre les coutumes, les valeurs et les modes de vie autochtones. Le cours permet aux étudiants de comprendre combien les enjeux sociaux et juridiques autochtones – des programmes de justice réparatrice, aux questions de gouvernance, d’identité, de santé et d’éducation – sont interreliés, et de constater qu’une approche interdisciplinaire est nécessaire pour y remédier.

Le cours permet également une mise en contexte de certaines des revendications juridiques dans lesquelles les Mohawks sont engagés. Ainsi, la première semaine se déroule en classe; la seconde les envoie à Kahnawake où ils campent, font diverses activités et rencontrent des aînés mohawks; la troisième les ramène en classe pour préparer leurs projets finaux et assimiler leur apprentissage.

« Mère Nature nous a vraiment mis à notre place cette année! On a eu froid, on a grelotté et on s’est sentis bien petits, dit en riant Michael Loft, un professeur de travail social et l’un des instructeurs du cours. Mais la Terre a ses propres enseignements et juste en y étant et en y faisant face, les étudiants ont pu accéder à un autre niveau de réflexion sur les peuples autochtones. »

À la composante pratique du cours propose des activités telles que la visite du palais de justice, du centre culturel et de la longue maison, un atelier de broderie mohawk et un autre sur les plantes médicinales indigènes, et la présentation de prières et récits traditionnels. Les étudiants ont ainsi pu constater qu’en l’absence de lois ou de code écrits, le droit se trouve et s’exprime plutôt dans les histoires, les institutions, les objets matériels, et même dans les comportements.

Mais c’est le simple fait de sortir les étudiants de chez eux, de les loger dans des tentes et de les affecter à l’un de quatre « clans » – les ours, les loups, les tortues et les bécasses – pendant une semaine qui s’est avéré leur plus grande leçon.

« Il faut s’adapter et commencer à réfléchir comme groupe. C’est surprenant de voir comment nous avons perdu ce réflexe, » dit Jessica Labranche, étudiante de droit de 2e année, citant à titre d’exemple les négociations plutôt délicates qui s’engagent quand 24 personnes doivent se partager une seule salle de bain. « Tout le monde a un rôle à jouer et si quelqu’un ne remplit pas son rôle, tout le groupe en souffre. » La professeure de droit Kirsten Anker ajoute que « dans des conditions physiques difficiles, la cohésion et l’harmonie sont essentielles à la survie. Nous avons pu constater directement pourquoi ces notions sous-tendent le droit coutumier autochtone. On tend à idéaliser le processus de prise de décision consensuelle des Premières Nations et les étudiants ont réalisé que c’est en fait un exercice difficile, même au sein de petits groupes. »

« Nous avons délibérément distribué les disciplines et divisé les étudiants en clans sur le terrain et pour leurs projets finaux », explique Nicole Ives, la professeure en travail social qui a initié le cours avec Kirsten Anker. « On ne pouvait pas simplement approcher la question en disant : ‘Voici la partie en travail social, celle en droit juridique et celle en anthropologie.’ Il fallait qu’ils intègrent le tout. »

« Les étudiants ont vraiment eu du mal avec cela, mais en même temps ils ont pu constater que dans le monde réel, on n’existe pas dans une bulle. Il est important de commencer cette conversation ici même à l’université. »

[VICTORIA LEENDERS-CHENG • LYSANNE LAROSE]
Three McGill Law graduates garnered prestigious Trudeau Foundation scholarships this year. All three demonstrate a particular passion for their work in tackling complex legal and ethical questions and all three trace this commitment to their time at McGill.

**HASSAN EL MENYAWI, BCL/LLB ’02**

During a summer break while he was a law student at McGill, Hassan El Menyawi travelled to Egypt, where his parents are respected Islamic scholars, to advocate for greater rights for members of Egypt’s hidden but vibrant lesbian, gay, bisexual and transgender (LGBT) community.

The Egyptian authorities arrested, detained and tortured him for two months, and then exiled him from the country. His parents, finding El Menyawi’s beliefs to be fundamentally incompatible with their own, disowned him.

El Menyawi returned to McGill later that year, scarred but determined, and devoted himself to finding tactical, subversive ways that the law can promote LGBT rights in the Middle East. He continued his studies at Osgoode and Harvard law schools and, last year, took up a PhD at New York University in sociology.

As a 2011 Trudeau Scholar, El Menyawi will look at how LGBT communities in the Middle East find ways to thrive despite the region’s explicit homophobia. He plans to travel to Tunisia, Jordan and Iran—“places where my immigration lawyer believes I can get visas,” he explains, adding nevertheless that, in light of the changing political landscape in the Middle East, he is contemplating also travelling to Saudi Arabia and even back to Egypt.

“Doing this work comes with an acceptance that you will always have attacks of some sort,” he says. Still, “my goal is to one day have a pride parade that starts in Tahrir Square.”

Four of the fourteen Trudeau Scholars selected this year have ties to McGill Law. In addition to the three young alumni profiled here, we feature the fourth Trudeau Scholar, DCL candidate Claris Harbon, in our article about the Faculty’s growing graduate studies program, pages 10-11.
MARINA SHARPE, BCL/LLB ’02

Shortly after graduating from McGill Law, Marina Sharpe headed for Uganda to work in a legal aid clinic and witnessed first-hand the destitute conditions in which refugees live.

In Kampala, she worked with urban refugees from Congo who didn’t speak the local language, were not allowed to seek employment and were discriminated against by the local population and the government.

That experience, which she discovered through the Human Rights Internship program at McGill, “was pivotal and set my life path,” says Sharpe, who is currently pursuing a DPhil in International Law at the University of Oxford.

Her project focuses on refugee protection in Africa specifically. “So much of the refugee rights discourse in the US, Canada and UK is about refugees coming to the developed world,” she observes, “but probably over 95 percent of refugees in Africa remain in a country neighboring the one they fled. I wanted to focus on that 95 percent.”

Before beginning her studies at Oxford, Sharpe also worked at a law firm in New York for two years—a choice that she notes is sometimes seen as incongruous with her work in human rights.

“People don’t really see how that fits in, but I learned skills there that are indispensable to everything I do,” she explains. “I wrote the by-laws of the Southern Refugee Legal Aid network, but I wouldn’t have been able to write them had I not spent two years in private practice reading contracts over and over.”

SÉBASTIEN JODOIN, BCL/LLB ’05

In 2006, after being hired by the UN International Criminal Tribunal for Rwanda in Tanzania, Sébastien Jodoin was working on a judgment of Athanase Seromba, a Roman Catholic priest found guilty for his involvement in the 1994 Rwandan genocide.

What struck him most about the work was the delay between the crime itself and the prosecution a decade later. “I realized I needed to work on prevention, to go earlier in the chain of events to where the conditions are created for things like mass violence and genocide to occur and try to stop them there,” he says.

Jodoin’s approach led him to create the “Campaign to End Crimes Against Future Generations,” also known as The One Justice Project, which argues that violations of international law that run counter to sustainable development—for example, destructive oil extraction processes or denial of access to education—should be prosecuted as crimes.

The campaign draws fuel in part from a deep, personal commitment to sustainability: Jodoin is “basically vegetarian for environmental reasons,” buys carbon offsets when he travels and has decided, along with his wife, who is pregnant with their first child, that they will adopt should they want to expand their family further.

Now pursuing a PhD in environmental science at Yale, Jodoin seeks to combine empirical and legal analysis to build the case for proper environmental governance and resource conservation.

The project builds on ideas of legal pluralism to which he was first exposed at the Faculty of Law, he explains. “The transsystemic approach forces you to think about law in different terms and McGill really opened me up to the idea that studying law in context is what really matters.”
ALUMNI PARTICIPATION (2009-2011)

YOUR CONTRIBUTIONS provide us with the resources to build a world class academic program and also allow us to attract the best students and faculty, nurture interdisciplinary collaborations and fund international symposia that bring McGill to the world and the world to McGill.

ANNUAL FUND ALUMNI PARTICIPATION

THE ANNUAL FUND is a critical source of revenue for the Faculty, and while the Faculty enjoys a higher than average proportion of alumni support, there is room to grow: we hope to increase our Annual Fund revenue from $550,000 to $750,000 over the next two years.

ALLOCATE OF ENDOWED GIFTS

The following chart provides an indication of the chief areas supported by the MANY GIFTS the Faculty has received in its 150 years of existence. It encompasses all types of philanthropic revenues originating from annual fund gifts, major gifts, endowed funds and bequests.

If you would like to support these initiatives, please contact Matias Duque, Associate Director of Development (514.398.6611, matias.duque@mcgill.ca) or Ester Driham, Development Officer (514.398.1897, ester.driham@mcgill.ca).
Engine of Change: Human Right Internship Awards

Sasha Hart spent much of the fall and winter terms of her third year in law school reading horrific accounts of sexual abuse in Kenya.

As the president of the McGill Law Women’s Caucus, Hart gathered a team of 12 students to conduct legal research to address the rampant rape of young girls in Kenya. The initiative is spearheaded by The Equality Effect, an organization that seeks to use legal strategies to fundamentally change the way women are treated in Africa.

“Taped through hundreds of cases of defilement, which is rape of a girl under 18,” Hart recalls, “and while it was very emotionally difficult, the experience made the issue more real to me than ever before.”

“When you read a case where a judge writes, ‘The accused is convicted of raping a two year-old girl,” it hits you in the face. This is real—people do these crimes.”

Supported by a Novak-Weil Human Rights Internship Award as well as a Helton Fellowship from the American Society of International Law, Hart spent the summer doing an internship in a village in eastern Kenya, interviewing claimants and putting together affidavits for the litigation to come.

Hart traces her interest in human rights issues in general to her family’s immigration to Canada from Jamaica when she was five. “Coming from a developing country to one of the richest countries in the world gave me an early sensitivity to global disparities and to inequality,” she explains.

Her internship project resonated with particular strength, she adds. “What brought me to law school was my wish to use law to effect social change. This project covers so many issues that I’m passionate about—it’s a women’s rights issue, it focuses on equality, it is in an African context... I feel like it had my name written all over it.”

Save the date! Homecoming will be taking place October 13-16, 2011.

CLASS REUNIONS

McGill will be celebrating classes whose year ends in 1 or 6. The following classes have planned official reunion this year: 1961, 1971, 1986, 1991, 2001.

For more information on Law’s Homecoming activities or class reunions, please contact Maria Marcheschi, Special Events and Alumni Relations Administrator, Faculty of Law at 514.398.1435 or Maria.Marcheschi@mcgill.ca.

For the full list of Homecoming activities at McGill this year, visit http://aoc.mcgill.ca/network/homecoming/events

LAW DEAN’S BREAKFAST: FRIDAY, OCTOBER 14, 2011

Time and place: 8–10 am, Common Room, Old Chancellor Day Hall, 3644 Peel Street

Dean Daniel Jutras cordially invites alumni and friends for breakfast. Come meet former classmates, professors and current students, as you recall old times and learn about recent changes in legal education (no charge).

RSVP: phone 514.398.7934 or email alumnioffice.law@mcgill.ca
IN MEMORIAM

Mohammed H. Abrahim, BCL’57
Irving L. Adessky, QC, BCL’53
Assefa Beru (Birru), BCL’58
Audrey Best, BCL’01, LLB’01
Charles Bradeen, Jr., BCL’55
Raymond A. Cartwright, QC, BCL’54
Gerald Charness, BCL’55
Julian C. Chipman, QC, BCL’54
Michael Dennis, BCL’61
Lyse-Veronik Durocher, BCL’72
R. Henry Easingwood, LLB’76
Robert Flahiff, QC, BCL’70
I. David Fleming, BCL’60
Wolfe M. Friedman, QC, BCL’55
Zdzislaw W. Galicki, LLM’69
Claire Marielle Gohier, BCL’78, LLB’79
Hon. W. Heward Grafftey, QC, BCL’52
William J. Hulbig, QC, BCL’38
Harry Jay, BCL’48
Steven Kleiner, BCL’66
Alexander Konigsberg, QC, BCL’63
Leo Kravitz, BCL’55
Jean H. Lafleur, QC, BCL’59
Bernard H. Litwack, BCL’57,
Ian G. W. Lundie, BCL’55
Peter R. MacKell, QC, BCL’51
George A. Mcgoun, BCL’50
Kenneth Mcgurk, BCL’60
Victor Michael Melnikoff, CM, BCL’70
Lennox Mills, BCL’42
Douglas W. Montgomery, BCL’57
Desmond Anthony Morley, LLB’79
Rajattie Persaud, BCL’90, LLB’90
Peter Reimann, BCL’77, LLB’79
Gerald L. Schneider, BCL’56
Nirari Sheeno, BA’99, BCL’01, LLB’01
William P. Sullivan, BCL’67
Shane Michael Watson, LLB’72
Arthur Wickham, BCL’52
Edna Wootan, BCL’39

GARY F. NACHSHEN, BCL ’87, LLB’87
(1960-2011)

Gary Nachshen was widely regarded as one of Canada’s finest practitioners in the law of finance, pension and benefits. A gentleman who was generous with his time and expertise, Nachshen was appreciated for his good humour, thoughtfulness and strategic contributions to the practice of law. He was a sought-after and prolific writer, contributing commentary to a variety of publications, including Benefits Canada.

Stikeman Elliot and the family of Gary Nachshen have announced the creation of a scholarship fund to honour Nachshen’s memory. The fund is intended to reflect Gary’s dedication and love for the practice of law, his deep commitment to excellence and his strong connection to McGill’s Faculty of Law. For more information, please contact Matias Duque, Associate Director of Development, at 514-398-6611 or email him at matias.duque@mcgill.ca.

IVAN A. VLASIC, LLM’55 (1926-2011)

Born in Italy, Ivan Vlasic fought in the resistance against Nazi occupation and was a decorated World War II veteran of the Yugoslav partisan army. After earning an undergraduate degree in Yugoslavia, he came to Canada to study law at McGill. He was appointed to the Faculty of Law in 1963 and retired 33 years later in 1995. For many years, Professor Vlasic was McGill’s principal instructor of public international law. He also served from 1971 to 1975 as director of the McGill Institute of Air and Space Law and was a mainstay of the Institute throughout his entire McGill career. Professor Vlasic was noted for his contributions to scholarship on international disarmament and international space law.

Read testimonials from former students and colleagues:
www.mcgill.ca/iasl/press/ivanvlasic

PAUL-ANDRÉ CRÉPEAU (1926-2011)

Monsieur Paul-André Crépeau, professeur émérite, grand humaniste canadien et figure lumineuse du droit civil québécois depuis plus de soixante ans, nous a quittés en juillet dernier. Son esprit pénétrant, la profondeur de sa culture, son extraordinaire connaissance du droit civil, son énergie inépuisable et sa grande délicatesse ont fait de lui un modèle pour plusieurs générations de juristes. La passion du droit, celle qu’il communiquait avec tant d’enthousiasme à ses élèves et à ses collègues, l’aura tenu en haleine jusqu’à la fin d’une vie consacrée à l’enseignement, à la recherche et au service public.

Paul-André Crépeau a été au cœur des réformes qui ont marqué la société québécoise depuis les années 60. Il a présidé les travaux titanesques de l’Office de révision du Code civil du Québec, animant avec talent le travail de plus de deux cents chercheurs, étudiants, avocats, notaires et juges dans une réflexion qui allait tracer la voie au nouveau Code civil du Québec, entré en vigueur en 1994.

Professeur à la Faculté de droit de McGill pendant plus de cinquante ans, il est l’auteur de plus de 130 monographies, articles et communication scientifiques. Quelques semaines avant son décès, on pouvait encore le trouver dans son bureau à la Faculté, travaillant d’arrache-pied à un manuscrit sur les principes de l’ordre contractuel.

La Faculté est profondément affligée par le décès de celui qui, pendant si longtemps, a su exprimer et incarner toute la poésie, toute la richesse, toute l’expression et toute la profondeur de la tradition de droit civil au Québec. La Faculté célèbrera sa mémoire lors d’un événement cet automne.
THE 1950s

COLIN K. IRVING, BCL’58, co-founder of
Montreal firm Irving Mitchell Kali-
chman LLP, was awarded Pro Bono
Québec’s inaugural Médaille de Saint-
Yves last year. Named after Saint-Yves
(or St. Ivo of Kermartin in English),
patron saint of legal professions, the
award recognized Irving’s “outstanding
contribution in the area of pro bono
legal services” during a career that has
spanned more than 50 years.

THE 1960s

HOMECOMING Class of 1961 Reunion:
Saturday, October 15, 2011.

DAVID P. O’BRIEN, QC, QC, BCL’65, was
awarded the McGill Faculty of Law’s F.R.
Scott Award in March 2011 for his signif-
cicant contribution to law and excep-
tional leadership to society. O’Brien is
Chairman of the Royal Bank of Canada
and of Encana Corp. He also serves on
the boards of TransCanada Corp.,
Molson Coors Brewing Co., and Ener-
plus Corp. The creator of the ‘O’Brien
Fellowships in Human Rights and Legal
Pluralism, O’Brien had an opportunity
during his visit at the Faculty to meet
some of the O’Brien Fellows.

JOE OLIVER, BCL’64, MP for Toronto’s rid-
ing of Eglinton-Lawrence, was appointed
federal minister of natural resources.
Oliver has a background in business and
law and has worked at several investment
dealers, served as executive director of the
Ontario Securities Commission and most
recently headed the Investment Dealers
Association of Canada.

RICHARD W. POUND, QC, QC, QC, ADE,
BCL’67, LLB’69, donated his Olympic
Collection this spring to McGill University
and the University of Texas at
Austin. The one-of-a-kind collection,
held in 350 boxes, covers Olympic
history ranging from doping scandals
to backroom negotiations for TV rights.
There are 700 printed titles, a signifi-
cant body of regalia, pins, medals,
statuettes and coin sets, along with
12 Olympic torches.

THE 1970s

HOMECOMING Class of 1971 Reunion:
Friday, October 14, 2011.

DORIS ZICHERMAN, BCL’79, LLB’81, was
appointed commissioner to the Immi-
gration and Refugee Board (IRB) of
Canada (Montreal offices) for a three-
year term in October 2010. Prior to her
appointment, Zicherman was a legal
advisor with the IRB. The IRB is an
independent administrative tribunal
that determines refugee protection
claims made in Canada, hears immigra-
tion appeals, and conducts admissibil-
ity hearings and detention reviews.

THE 1980s

HOMECOMING Class of 1986 Reunion:
Saturday, October 15, 2011.

MARC BARBEAU, BCL’84, LLB’84, associé
au bureau de Montréal de Stikeman
Elliott, a récemment été reconnu dans
le répertoire The Best Lawyers in
Canada 2011 dans les secteurs du droit
des affaires, des fusions et acquisitions;
et décrit comme un « avocat de premier
rang » dans The Canadian Lexpert Direc-
tory. M. Barbeau enseigne à la Faculté
de droit de McGill depuis 1996.

BRADLY CONDON, LLM’88, founding
director of the Centre for International
Economic Law at the Instituto Tec-
ológico Autónomo de México was
awarded a World Trade Organization
Research Chair in the fall of 2010. The
Centre aims to promote the study of
and interdisciplinary research in
international economic law.

THOMAS M. DAVIS, BCL’80, LLB’80, was
recently appointed the new chairman of Health Partners International of
Canada (HPIC). Davis, a partner at the
Montreal firm Borden Ladner Gervais
LLP, lectures at McGill’s Faculty of Law
and serves on the boards of several
charitable organizations.

SUZANNE LEGAULT, BCL’88, LLB’88, who
had been Interim Information Commissi-
sioner since June 2009, was named
Canada’s new Information Commis-
sioner in July 2010. Legault, who began
her career in the public service in 1996
at the Competition Bureau, served as
Legal Counsel with Justice Canada,
before returning to the Competition
Bureau where she assumed increas-
ingly senior roles. Prior to joining the
public service, Legault was a criminal
defence lawyer (1991-1996) and a Crown

G. GRANT McCREA, BCL’85, a litigation
lawyer established in New York City, is
also a published writer of crime fiction
who was shortlisted for the Arthur Ellis
Award for First Novel in 2007. A former
clerk for Canadian Supreme Court
justice Gerald LaForest, McCrea was
partner with a number of firms before
opening his own practice in 2007.

JENNIFER STODDART, BCL’80, was
reappointed Privacy Commissioner of
Canada for a three-year term in November
2010. Stoddart has been serving as Privacy
Commissioner since December 2003. In
April 2011, Stoddart was honoured with
the Quebec Bar’s Mérite Christine-Touri-
gny in recognition of her remarkable
work and commitment to privacy issues
in Canada.

SYLVIA OSPINA, LLM’88, was awarded the
Distinguished Service Award for her
many contributions to the work of The
International Institute of Space
Law, including the UN Highlights in
Space Reports, serving as judge of the
briefs of the Manfred Lachs Moot Court
Competitions, and enhancing interest
in space law in the Americas. Ospina is
also a Director of the Institute, and has
written many articles in the field,
notably on satellite communications.

THE 1990s

HOMECOMING Class of 1991 reunion:
Saturday, October 15, 2011.

ISABELLE DAOUST, BCL’96, LLB’96, is
living in Washington, DC, with PAUL
MOEN, LLB’93, and their two children.
Daoust is behind a public education
campaign for the American Red Cross,
her current employer, to educate the
American public on international laws
against torture. The American Red Cross
conducted a survey that shows that 53% of Americans – and 59% of youth – sup-
port torture and that only 20% of young
Americans are familiar with the 1949
Geneva Conventions.

JULIA HANIGSBERG, BCL’91, LLB’91, was
appointed vice-president, administra-
tion and finance, at Ryerson University
last fall. Hanigsberg joined Ryerson in
2006 as General Counsel and Secretary of
the Board of Governors. Previously, she
held senior legal, policy and administra-
tive roles with the Ontario government,
including Chief of Staff for the Attorney
General, and Counsel and Special
Advisor to the Secretary of Cabinet.

PATRICK M. SHEA, BCL’99, LLB’99, joined
the Montreal office of Blake, Cassels &
Graydon LLP as a partner in December
2010. He had previously been a partner
at Ogilvy Renault LLP. Shea practises
mostly in the areas of mergers and
acquisitions and private equity and is
a member of both the New York and
Quebec bars.
JORDAN WAXMAN, LLB’91, BCL’92, an investment banker at Merrill Lynch in New York City, is also a highly accomplished endurance athlete, participating in triathlons and long-distance swimming events. In September 2010, the former McGill Swim Team captain successfully swam across the English Channel, in 14 hours, seven minutes.

TODD WHARTON, BCL’98, LLB’99, joined Jet Aviation AG in Basel, Switzerland, as Assistant General Counsel and Senior Manager Completions Contract Management in December 2010. His professional experience has been centered on complex corporate and commercial agreements in the health care, aerospace and shipping sectors, including several years at both Northrop Grumman Canada and Canada Post.

THE 2000s

HOMECOMING Class of 2001 Reunion: Saturday, October 15, 2011.

PONORA ANG, BCL/LLB’05, was named Lawyer of the Year in the Litigation category at the 4th annual Leaders of Tomorrow gala organized by the Young Bar of Montreal. Ang practises law at McMillan and spends part of his free time working with Montreal professional associations for young Asians and helping people understand Asian business culture.

L’automne passé, CHRISTOPHER CAMPBELL-DURUFLE, BCL/LLB’09, qui est rechercheur pour le juge en chef du Québec, était ‘premier ministre’ au parlement jeunesse du Québec, une simulation parlementaire non partisane qui se tient chaque année à l’Assemblée nationale. Christopher a également tenu le rôle principal dans Le rire de la mer, une comédie dramatique qui a été présentée en juin aux festivals Fringe de Montréal et d’Ottawa.

MYRIAM FARAG, BCL’01, LLB’01, a été nommée Avocate de l’année, catégorie droit familial, lors du 4e gala annuel des leaders de demain du jeune Barreau de Montréal. Madame Farag, qui travaille également pour Educaloi, œuvre en pratique privée. Elle s’implique au Comité des services juridiques pro bono de l’Association du Jeune Barreau de Montréal, ainsi que dans l’équipe éditoriale du bulletin de l’AJBM.

DAVID JOHNSTON, CC, CMM, COM, CD, LLD’00, former principal and vice-chancellor of McGill University (1979-94), and professor at the Faculty of Law, was sworn in on October 1, 2010, as Canada’s 28th Governor General since Confederation. As well as being the fifth President of the University of Waterloo (1999-2010), Johnston has served on many provincial and federal task forces and committees, and on the board of a number of companies.

MARCOS LUDWIG, LLM’07, joined Fábrica Participações, an infrastructure investment firm based in Rio de Janeiro, Brazil, as partner and general counsel in July 2010. He also reported last fall that fellow grad HUGO-PIERRE GAGNON, LLM’07, visited him in Rio, bringing along a “McGill t-shirt, some cider and a jar of maple syrup for old times’ sake.”

LORNE NEUDORF, LLB’09, was selected as a recipient of the Sir James Lougheed Award for 2011/12 to support his research. A doctoral researcher in law at the University of Cambridge, he studies the principle of judicial independence in the context of economic and social development.

MERCEDES PEREZ, LLB’01, a lawyer with Swadron Associates and an adjunct professor at Osgoode Hall Law School where she teaches Law and Psychiatry, was honoured with a Precedent Setter Award in May 2011 by Precedent, an independent legal magazine for young lawyers in Ontario.


Last fall, MARCI SURKES, BCL/LLB’07, worked as a policy advisor on justice, public safety and status of women for the Office of the Leader of the Opposition, Michael Ignatieff, on Parliament Hill, and she continues to serve in that capacity for the interim leader of the Liberal Party of Canada, Bob Rae. Surkes has worked on policy and legislation on Parliament Hill since 2007.

In February 2010, JEREMY WAISER, BCL/LLB’02, was appointed Foreign Policy advisor to the Leader of the Opposition, Michael Ignatieff, at Canada’s Federal Parliament, and currently serves in that capacity for the new Leader of the Liberal Party of Canada, Bob Rae. Before returning to Canada, Waiser spent three years as the Special Assistant to the Chief Prosecutor of the UN Special Court for Sierra Leone. Previously, he was an associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison in New York, and a human rights officer with the UN Office of the High Commissioner for Human Rights in Phnom Penh, Cambodia.

THE 2010s

FRANÇOIS COMEAULT, BCL/LLB’10, a été heureux d’apprendre que son article sur les recours collectifs, qu’il avait écrit alors qu’il était étudiant dans le cadre du cours sur les recours collectifs enseigné par Daniel Jutras, a été publié dans The Canadian Class Action Review. François Comeault est conseiller juridique au Tribunal des anciens combattants à Charlottetown (Île du Prince-Édouard).

JOSEPH WHEELER, GRAD CERT’11, was the first lawyer to win a Royal Aeronautical Society Centennial Scholarship, which he received in November, 2010. Wheeler also received an ABA scholarship to attend the ABA TIPS Air and Space Law conference in Washington, DC, in October 2010. Finally, Wheeler and teammates LLM candidates MITHUN PEMMAIAH and AUGUSTE HOCKING won the 2011 Sarin Leiden International Air Law Moot Court Competition in Dubai.

SEND US NEWS AND UPDATES FOR THE ALUMNOTES SECTION: VICTORIA.CHENG@MCGILL.CA
Driving to work the other day, I got stuck in one of those traffic jams that seem to be an inescapable feature of life in Montreal this summer. Two lanes of cars were merging into a single one. Drivers patiently waited for their turn to move forward, alternating from one lane to the other. As I was getting close to the moment of freedom, one car came from behind, passed everyone on the right, and shamelessly squeezed ahead of everyone. The sense of outrage that I shared with other frustrated drivers got me thinking about rules and their sanction.

Les normes implicites qui balisent la vie en société ne sont pas spontanément qualifiées de juridiques, mais elles se rattachent au droit par certaines caractéristiques. Elles sont ressenties comme obligatoires, elles permettent la coordination pacifique des actions de chacun, et leur violation comporte l’éventualité d’une sanction, ne serait-ce que par l’expression de la désapprobation qui s’ensuit – un coup de klaxon, par exemple! Qu’elles soient ou non juridiques au sens strict, ces règles s’entrecroisent et se superposent, comme les multiples traditions et systèmes juridiques qui constituent ensemble l’espace du droit contemporain.

Le droit contemporain est en effet caractérisé, lui aussi, par un enchevêtrement de règles implicites, explicites, formelles et informelles qui doivent être réconciliées les unes avec les autres. Les juristes aujourd’hui sont amenés à saisir le droit dans toute sa complexité, à l’échelle globale comme à l’échelle locale. Le droit émerge dans l’espace sidéral comme dans le cyber-espace, et prend des couleurs variables dans les transactions transfrontalières tout autant que dans les traditions autochtones. L’avocate qui conseille une entreprise doit maîtriser tout autant les pratiques établies du secteur d’activités au sein duquel elle opère, que les règles juridiques nationales et internationales qui s’appliquent aux actions de son client.

The recognition of this pluralistic character of law is at the heart of legal education at McGill. From the early experiment with common law instruction in the 1920’s, to the successful creation of the National Program in 1968, all the way to the integrated McGill Program established in 1999, students at McGill have been exposed to the insight that legal phenomena come in multiple shapes and sizes, cultures, traditions and languages. The current issue of our Focus Law magazine provides ample evidence that this insight is being tested in new directions. Learning the law, indeed living in the law, is an experience in the confrontation and coordination of these multiple layers of rules and values. It is in this spirit that the Faculty of Law at McGill University remains as innovative, as curious, and as relevant as ever.
Bequests and other planned gifts have always been critical to the success of the University and its students. They were instrumental in the establishment of McGill, and they continue to strengthen McGill’s endowment, libraries, research, and scholarships and other student financial aid programs. As well, such gifts give McGill a great deal of flexibility in planning to meet the demands of an ever-changing world.

The generosity of donors is even more important to McGill in an era in which support for education has not always been consistent. Fortunately, graduates and other friends of the University are considering this giving option more than ever.

A planned gift is a charitable donation arranged during a donor’s lifetime but not available to McGill until sometime in the future. The most common type of planned gift is a bequest, but it is just one of many types.

A planned gift to McGill can help to achieve tax and financial goals, as well as philanthropic goals, and it can help the donor make a much larger gift than otherwise possible.

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