

Western Law

2021 ALUMNI MAGAZINE

SHAPING A FAIRER FUTURE

Karen Jensen, LLB'92,
makes history as
Canada's first Federal
Pay Equity Commissioner

ALSO IN THIS ISSUE:

**Creating a table
of belonging**

**Ten questions with
Jeff Warnock**

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On the cover: Karen Jensen (photographed by Dave Chan)



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WESTERN LAW ALUMNI MAGAZINE

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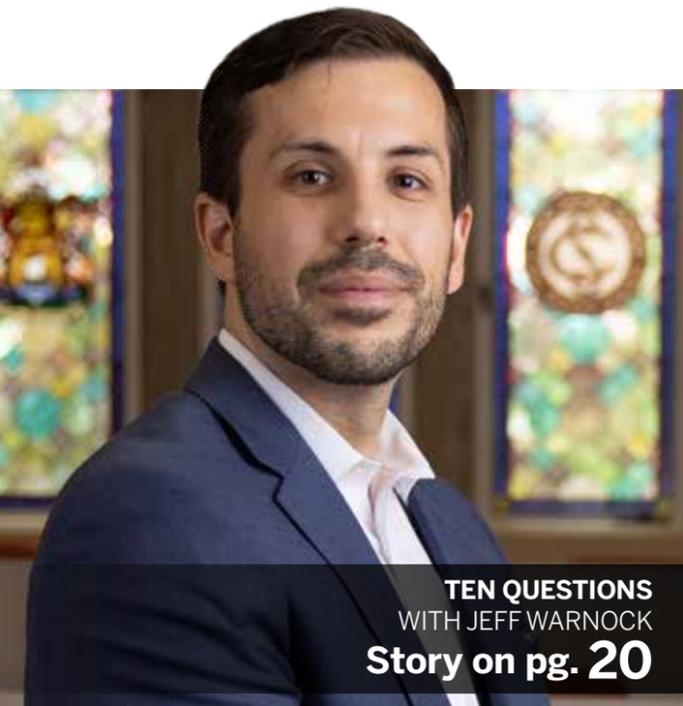
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TEN QUESTIONS WITH JEFF WARNOCK
Story on pg. 20

MESSAGE FROM THE DEAN

As I write this, it has been more than 18 months since Ontario entered its first COVID-related lockdown. At that time, most of us naively believed that the crisis would pass in a matter of weeks or months. Now, we have become accustomed to masks, physical distancing, and Zoom meetings, and it is almost easy to forget how much of a roller-coaster the last 18 months have been. But the truth is that our transitions and achievements during the pandemic did not come without the co-ordinated and often tireless efforts of people in a wide range of roles, reacting to frequent changes and crises. We have persevered by working together.

This is true of our activities here at Western Law. We were fortunate to be one of the only Canadian law schools to teach a substantial portion of our JD program in person; our first-year students were here in class almost all year, except for a portion of the winter term when the province was locked down. This allowed them to make important connections with their professors and classmates, and to engage with the law with a spontaneity that is best provided by in-person interaction.

While our upper-year courses were primarily offered online, our student leaders worked hard to maintain a sense of community through a variety of educational, cultural, and social events, including a virtual production of our annual *Orbiter Dicta* talent show. In addition, they continued their service to the community through legal clinics, Pro Bono Students Canada, and community outreach activities.

Throughout the year, I was inspired by the way that faculty, staff and students worked together to provide the best educational experience possible during the pandemic. We were also fortunate that so many practitioners – including many alumni – continued to provide co-curricular experiences through moots, guest lectures and panels, virtual tours, and personal mentorship.

Like many practising lawyers, our students learned to engage in oral advocacy in the virtual world, and they did so with notable success. Our Jessup international law moot team was crowned national champions and made the octo-finals at the international competition, which involved 574 teams from 90 countries. Also like many practitioners, the students working in our legal clinics learned how to work remotely with clients, and experienced both the benefits and perils of Zoom court. You can read about their experiences on page 22.

Although, like other sectors, we had to focus much of our energy on maintaining our day-to-day operations, we were still able to move forward with important strategic directions last year. In January, we introduced a second-year compulsory course in Indigenous Law, a course that is an important part of our response to Call-to-Action #28 of the Truth and Reconciliation Commission.

We also established an Anti-Racism Working Group, comprised of faculty, staff, JD and graduate students, and alumni, and they are preparing short- and long-term recommendations for Western Law in areas like student and faculty recruitment, academic programming, and student supports.

Our faculty continued to excel in their research, winning international awards for their published work. In particular, Professor Rande Kostal won the John Phillip Reid Prize of the American Society for Legal History for his book *Laying Down the Law: The American Legal Revolutions in Occupied Germany and Japan*. The Reid Prize is awarded annually to “the best monograph published in English in Anglo-American legal history” and is one of the most prestigious awards for legal-historical scholarship. Equally impressively, Professor Wade Wright took on the authorship of the late Peter Hogg’s flagship treatise, *Constitutional Law of Canada*, a signal of his high esteem and authority in the field.

We welcomed five new faculty members in the past year: Francesco Ducci, Rory Gillis, Nadia Lambek, Manish Oza, and Jeff Warnock. It is one of the happiest parts of my job as Dean to appoint outstanding new faculty, and it is especially heartening to see our faculty grow in size, expertise, and diversity of approaches to legal scholarship.

The last year also saw the retirement of three long-serving and much-loved members of Western Law’s staff: Vivian McPhee, Administrative Assistant at Community Legal Services; Susanna Eayrs, Communications Officer and long-time producer of this magazine; and Tigger Jourard, Student Services Coordinator for our JD program. Tigger’s retirement came after she won a Western Award of Excellence, the university’s highest award for achievement by staff. We wish them all the best.

On the alumni front, we transitioned our former UWO Law Alumni Association (UWOLAA) into a more formal Western Law Advisory Council, with Mitch Frazer, LLB’99, as Chair and Rosemary McCarney, LLB’77, as Vice-Chair. The Council will allow us to take advantage of the tremendous experience, expertise and networks of our alumni, and to benefit from their insight into issues facing the profession. You can read more about the Advisory Council on page 18.

In my own professional life, I was honoured to serve on the Independent Advisory Board for Supreme Court of Canada Judicial Appointments, which culminated in the Prime Minister naming the Hon. Mahmud Jamal to the court. More recently, I have agreed to serve a second term as Dean of Western Law, starting in July 2022. I am excited to be leading Western Law as we head into our post-pandemic future.

Erika Chamberlain, LLB’01

“Throughout the year, I was inspired by the way that faculty, staff and students worked together to provide the best educational experience possible during the pandemic.”

Erika Chamberlain, LLB’01

► **Students volunteer for UN Women Project**

Western Law students gained valuable insights into gender issues in international humanitarian and human rights law – and helped shape the global conversation – while volunteering on a project for UN Women.

The 10 students, who worked as researchers for the United Nations entity dedicated to gender equality and the empowerment of women, summarized and applied a gender-sensitive analysis to a recent United Nations commission of inquiry reports on Syria, Yemen, Burundi and South Sudan.

It was the first time a Canadian law school has partnered with UN Women to offer this type of opportunity to students.

“The experience deepened my knowledge of unique gender-based issues, which often go unacknowledged in the reporting and analysis of global conflicts,” said law student Michael Juranka. “It gave me the opportunity to apply the analytical skills I’ve learned in the classroom in service of a worthy cause.”

While it was “harrowing” to read about the toll the conflict is having on the Syrian population, “it was exciting to be meaningfully involved at the critical stage of reporting,” Juranka said.

The project aimed to expose law students to a gender-sensitive analysis and the important work UN Women does in combating gender discrimination.

“My goal was to provide our students with hands-on experience researching timely international legal issues involving serious human rights abuses in countries under consideration by the UN Human Rights Council,” said Professor Valerie Oosterveld, who managed the project with assistance from Rebecca Ro, JD’21.

The students’ summary reports were disseminated to UN Women investigators and country offices to increase their collection of gender-disaggregated data and improve gender analysis in future reports.

“With their research, the Western Law students made an important contribution to UN Women’s work on accountability for women’s rights violations,” said Emily Kenney, UN Women’s policy specialist on transitional justice.



Valerie Oosterveld



Rebecca Ro

“The experience deepened my knowledge of unique gender-based issues, which often go unacknowledged in the reporting and analysis of global conflicts.”

Michael Juranka



Francesco Ducci



Rory Gillis



Nadia Lambek



Manish Oza



Andy Yu

◀ **Five new legal scholars join Western Law faculty roster**

Western Law is delighted to announce five new tenure track appointments. Francesco Ducci, Rory Gillis, Nadia Lambek, and Manish Oza joined Western Law’s faculty in July, and Andy Yu will join in 2022.

“These are all outstanding scholars who will make serious contributions to our academic community,” said Dean Erika Chamberlain. “We’re very pleased to have such a dynamic and broad addition to our faculty.”

Francesco Ducci was a Max Weber Fellow at the European University Institute. He completed his doctorate at the University of Toronto, where he was a John Stransman Fellow in Law and Economics, and a Junior Fellow at Massey College. Before joining the EUI, he was a Postdoctoral Global Fellow at the New York University School of Law.

Rory Gillis received his BA and JD from Yale University, where he was a Senior Editor of the Yale Law Journal, an Olin Fellow in Law

and Economics, and a Coker Fellow in Contract Law. Following law school, Gillis served as a law clerk to Justice Morris Fish of the Supreme Court of Canada and practised law in Toronto.

Nadia Lambek earned her JD from Yale Law School and is a doctoral candidate at the University of Toronto. She is a human rights lawyer, researcher and advocate focused on food system transitions and the rights of working people.

Manish Oza holds a JD from the University of Toronto, where he recently completed his PhD. He clerked at the Supreme Court of Canada in 2020-2021 and at the Court of Appeal for Ontario in 2016-2017.

Andy Yu served as a judicial law clerk at the Court of Appeal for Ontario in 2020–2021 and is now serving as a clerk at the Supreme Court of Canada. He earned his D.Phil., as well as B.Phil. with Distinction, from Oxford University.

“These are all outstanding scholars who will make serious contributions to our academic community. We’re very pleased to have such a dynamic and broad addition to our faculty.”

Erika Chamberlain



Stephen Pitel

Stephen Pitel receives Allan Heinicke Memorial Service Award

Western Law professor Stephen Pitel, former president of UWOFA (University of Western Ontario Faculty Association), who has been active with the Association for a decade, is the 2021 recipient of the Allan Heinicke Memorial Service Award.

The award was established in honour of the late Allan Heinicke, a former chair and president of UWOFA, and recognizes outstanding service and achievement in financial, technical and policy development or analysis supporting UWOFA's aims.

Pitel has taken on a variety of roles within UWOFA, and has completed them with an unerring attention to detail and calm professionalism. He has served on many UWOFA committees, including the Policy and Governance Committee, having been the driving force in reforming and revising more than a dozen of UWOFA's policies.



Emma Williams

Recent grad secures two court clerkships

Emma Williams, JD'20, has accomplished the impressive feat of securing two consecutive judicial clerkships.

Following her current articling year at Lenczner Slaght, Williams will clerk at the Federal Court of Appeal in 2021-2022, and then at the Supreme Court of Canada in the chambers of Justice Abella's successor.

Williams says she is "honoured and grateful" for the opportunity to work as part of the close-knit community of clerks at the courts.

"I'm looking forward to working on novel and pressing legal issues and learning from some of the brightest Canadian legal thinkers," she says.

Williams, who was awarded the school's gold medal in 2020, credits her studies in public law with professor Kate Berger for her keen interest in the roles and structure of government institutions, including the role of the Supreme Court of Canada. Following her clerkships, Williams plans to pursue a career in litigation and says she's "excited to see what the future holds."

Richard McLaren releases results of Mali basketball abuse investigation

A three-month investigation led by adjunct research professor Richard McLaren, LLB'71, into allegations of the sexual harassment and abuse of Mali's national female basketball players has found an "institutionalized acceptance" of the misbehaviours and that "neither action nor effort" has been made to correct them.

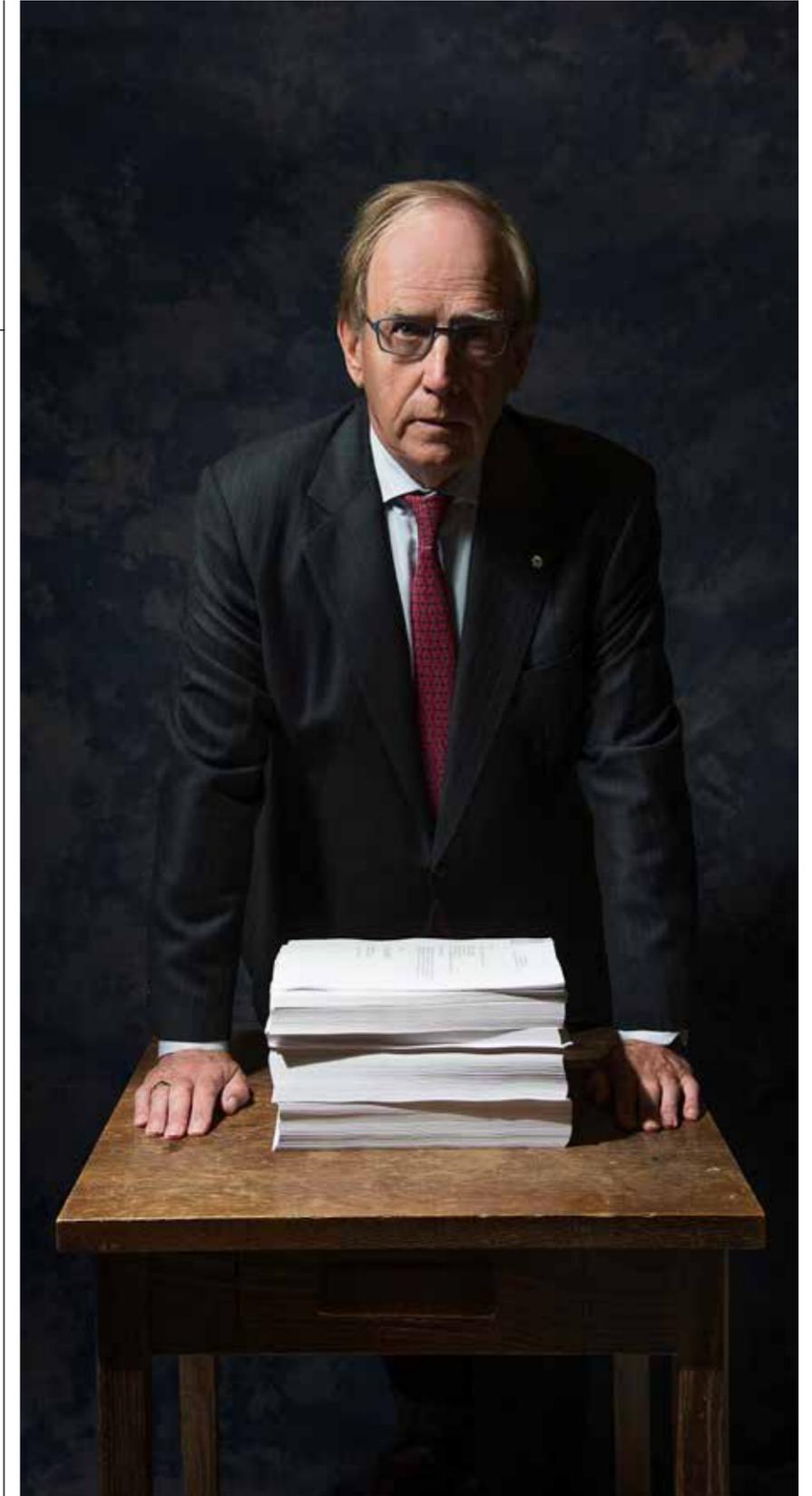
McLaren's team also found the Mali Basketball Federation's (FMBB) safeguarding and child protection policies to be "wholly insufficient" and not in compliance with International Basketball Federation (FIBA) regulations.

The allegations surrounding the maltreatment of players – most of which are still teenagers – date back decades.

McLaren was tasked by FIBA – for which he serves as the Integrity Officer – with leading the investigation after Human Rights Watch notified FIBA of the allegations in June.

He is currently embarking on another high-profile sports investigation in connection with alleged irregularities in refereeing and officiating boxing matches at the 2016 Olympic Games in Rio de Janeiro.

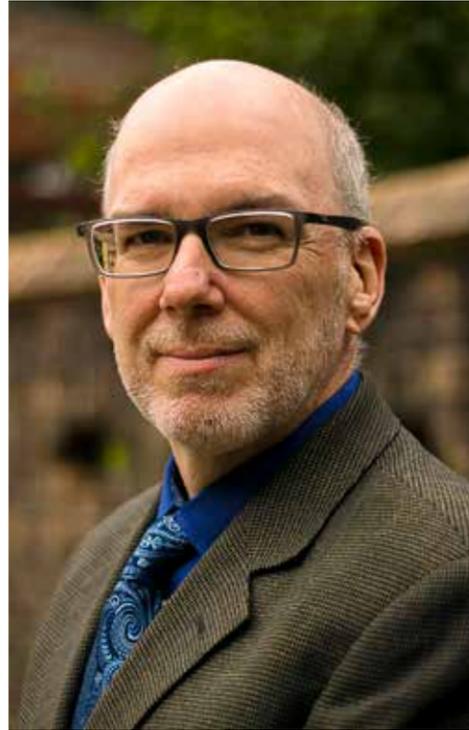
He previously led probes into the International Weightlifting Federation, Major League Baseball, the USA track and field team, and Russian athletes who participated in the 2016 Rio Summer Olympics.



Richard McLaren



Alfonso Nocilla



Thomas Telfer

Conference marks 100 years of Canadian bankruptcy and insolvency law

Distinguished insolvency scholars, practitioners and policy-makers from across Canada, Australia, the United States and the United Kingdom explored the evolution of Canadian bankruptcy law and debated proposals for reform at a virtual conference hosted by Western Law on May 14-15.

The conference, *100 Years of Bankruptcy and Insolvency Law*, was co-convened by professors Thomas Telfer and Alfonso Nocilla, and featured an array of topics ranging from personal insolvency law, bankruptcy history and corporate restructuring to cross-border and international insolvency law.

In her keynote address, Madam Justice Sarah Peppard of the Court of Appeal for Ontario spoke about the regulatory structure supporting Canadian bankruptcy and insolvency law, noting that over the past century there has been a growing recognition of the broader stakeholder and policy considerations informing this area of law beyond the traditional debtor-creditor relationship.

Iain Ramsay, professor at Kent Law School and an international expert on consumer insolvency, spoke on "Breathing Spaces, Fresh Starts and Personal Insolvency Law."

Selected papers have been published in a special volume of the *Canadian Business Law Journal*, the leading scholarly business law journal in Canada.

In her closing remarks, Elisabeth Lang, the Superintendent of Bankruptcy Canada, said that as the next century of Canadian bankruptcy and insolvency law unfolds, significant changes in the composition of stakeholders, asset classes, information sharing and global developments, such as climate change, will continue to require the action and attention of insolvency scholars, practitioners and policy-makers.

Western Law is grateful to the Social Sciences and Humanities Research Council of Canada and Thornton Grout Finnigan LLP for their generous support of this conference.

CUSLI conference focused on climate change and the Arctic

The Arctic feels the impact of climate change more intensely than the rest of the globe – and these changes will dramatically affect not only the Arctic's environment, but also its security, defence, resources and ability to be used for transportation. This year's annual CUSLI conference, held virtually on April 23, delved into these emerging issues in the Arctic from the perspective of transborder impact, initiatives and need for co-operation. Distinguished speakers from government, academia and industry covered issues ranging from the concrete change taking place, to emerging national security issues, economic growth and regulation, and to the impact on and role of Indigenous Peoples.



SHAPING A FAIRER FUTURE

Karen Jensen, LLB'92, makes history as Canada's first Federal Pay Equity Commissioner

BY DREW HASSELBACK

The COVID-19 pandemic has forced Canadians to open their eyes to the differences in our society.

And that presents an opportunity for Canada's newest regulator. On August 31, Karen Jensen became Canada's first Federal Pay Equity Commissioner.

Jensen, who graduated from Western Law in 1992, is responsible for implementing the federal Pay Equity Act. The new law requires federally regulated employers, such as airlines, banks, broadcasters and crown corporations, to review their workforces and ensure similar pay is going to employees performing tasks of comparable importance and complexity.

It's a tough job because it calls for a change in mindset. It's not simply a case of quotas or making sure similar pay is going to employees with similar job titles. Regulated businesses must compare the value of the work done by all employees and ensure no systemic imbalances are embedded into their compensation methods. And that can be tricky. Pay inequity remains a reality in Canada, where, among hourly wage earners, a woman makes 89 cents for every dollar a man makes.

But it's a challenge welcomed by Jensen, whose career has been committed to change. Her varied resume includes time spent as a social worker in Winnipeg's north end, service on the Canadian Human Rights Commission and Law Reform Commission, and practise at a big corporate firm. Through it all, Jensen has devoted her career to removing the barriers some Canadians face due to their gender or background.

"I've always had a real interest in addressing inequality and systemic discrimination," Jensen said. "I've always believed that there are many different ways of doing that."

Canada's Pay Equity Act aims to ensure that federally regulated workplaces are free from gender-based pay discrimination. One of the first goals of the law is to require employers to put a pay equity plan in place — and pay any compensation owing — by 2024.

Grocery clerks and long-term care home workers might be provincially regulated, and that's outside the scope of the new federal law. Yet, Canadians have come to appreciate the crucial role these front-line workers have played in piloting us through the pandemic — and have noticed how much of that work is being done by women. And that's the sort of thing that helps Jensen make her case.

"It [the role of front-line workers] highlights the extent to which we have undervalued work done traditionally by women — and often BIPOC women. Finally, people are saying, 'I get what pay equity is about.'"

Karen Jensen, LLB '92

"It highlights the extent to which we have undervalued work done traditionally by women — and often BIPOC women," Jensen said. "Finally, people are saying, 'I get what pay equity is about.'"

Jensen has been working to help others throughout her life. Law is her second career. She studied philosophy and psychology at the University of Winnipeg, then took a job as a social worker in the city's north end. She acquired a master's degree from the University of Toronto and contemplated a move to Western to do her PhD.

Before she finalized her plans, she turned to her clients for advice: should she pursue the PhD or should she consider another career, perhaps in law?

The advice was overwhelming. Her clients, many of them sex workers, said she should become a lawyer. "You can work on making the laws fairer for people like us," she recalled them saying. "So, I had registered to do my PhD at Western in clinical psych, and I switched."

Jensen said she was drawn to Western Law because of the quality of the professors. "Western was definitely one of my top choices. I was lucky enough to get in and was really thrilled to be able to go there."

She joined the legal clinic right away, starting with the landlord-tenant hotline, then picking up criminal court appearances, such as one in which she challenged a breathalyzer test — before she'd even taken an evidence class. She said she lost the case, but gained valuable practical experience. "I just learned an incredible amount on how to really litigate a case."

A career fair was an eye-opener. She met Andrew Raven, LLB '76, and was struck by his passion for employment and labour law. "He was vibrating with enthusiasm and excitement for what he did,"



she recalled. It was then Jensen realized practising in this area was one way to fight for change and diversity.

But she took a couple of notable detours before joining Raven's firm, including doing an exchange with Laval University in Quebec City, and after graduation, clerked at the Supreme Court of Canada for Justice Peter Cory.

She did eventually work with Raven Law, then took on some

roles in public service, including with the Canadian Human Rights Tribunal.

She did a brief stint as an assistant dean at the University of Ottawa's law school after leaving government service, then tried her hand at management-side employment law by joining the Ottawa office of what was then Ogilvy Renault, a predecessor to what is now Norton Rose Fullbright. It may seem like an odd move for someone who had devoted her career to battling for the underdog, but Jensen said it made sense. A lot of her corporate clients wanted to embrace diversity and equity in their employment practices.

"They were actually trying to do the right thing, and, in many cases, were very much open to suggestions about how to do things differently in order to make their systems more equitable," Jensen said.

Her return to public law came in September 2019, when she was appointed a full-time member of the Canadian Human Rights Commission, tasked with bringing the new federal Pay Equity Act into force on Aug. 31, 2021.

It's a daunting task. There can only be one first Federal Pay Equity Commissioner and there's a lot riding on her to get the new

commission off the ground. But even as she literally makes history, she continues to think about others. In an interview about her new job, she's just as likely to talk about her interest in mentoring young people and racialized women who are interested in going into law.

Jensen always has her eye on the future. And as Canada's newest federal regulator, she has a fantastic opportunity to shape what that future might look like.

Drew Hasselback is a national journalist with Global News.

Creating a table of belonging



**Nusaiba Al-Azem,
JD'18, and Nawaz
Tahir, LLB'01,
advocate against
Islamophobia**

BY ELIANA CHOW

On June 6, 2021, a Muslim family of five stood waiting to cross the street at a busy intersection in London, Ont. A man barrelled onto the curb in his truck and crashed into the family, killing all but the youngest child, in what officials have labelled a premeditated terrorist attack.

The tragedy plunged the London community into anger and mourning, and reopened the conversation about Islamophobia in Canada.

Nusaiba Al-Azem, JD'18, hosted a vigil, which drew thousands of mourners, in honour of the beloved family.

She expressed that while these targeted acts of violence wounded the Muslim community the most, everyone pays the price. "We all hurt when we continue to be fractured and allow conditions in which hate festers," she said.

As a member of the London Muslim Mosque Board of Directors, Al-Azem collaborates with Muslim-focused mental health groups in the area. Integrating her previous roles as a solicitor at McKenzie Lake LLP and in social work, Al-Azem is uniquely positioned to serve as a bridge between corporate and not-for-profit spaces.

She helps provide legal and social assistance to organizations as they create culturally competent programs to better support Muslims in the community – particularly women and children.

"Our children are afraid of dying while attending school or praying," she said. "This is not normal."

Al-Azem will continue to advocate for Muslim Canadians in her new role as a staff lawyer for the National Council of Canadian Muslims, a not-for-profit organization that works to counter discrimination and Islamophobia.

"My hope is that I'll be able to contribute valuable, positive change for our country, and to make life that much easier for a little girl who looks like me," said Al-Azem.

Looking back, she credits her time at Western Law as being pivotal in her journey to becoming the advocate she is today.

"My professors opened my eyes to see that there wasn't only one way to be a lawyer," she recalled. "There is always room to be the kind of lawyer that aligns best with the kind of person you want to be and with the world you want to create."

Elevating people like Al-Azem to positions of leadership is key to cross-cultural community growth, affirmed Nawaz Tahir, LLB'01, a partner at McCague Borlack LLP.

"Our elected officials have to be willing to

lead the charge for change," he said. "When policy-makers actively work toward inclusive leadership and progress, it sets an example for the private sector and opens new doors for collective healing."

Tahir graduated from Western Law only months before the events of 9/11. In the wake of the tragedy, he co-chaired an international conference on campus focused on Islam and democracy. The conference welcomed speakers from across the globe to discuss topics such as Muslim women in leadership, how Muslims understand freedom, and how other nations implement democracy.

"It was an attempt to break down the 'us versus them' language many governments were using at the time," Tahir said. "Those events presented an immediate application of the problem-solving skills I developed at law school. I was able to break down the problem of fear into manageable steps that allowed us to start carving a path forward."

In the years after the conference, Tahir joined like-minded legal colleagues, Ingrid Mattson and Paul Nesbitt-Larking, in collating the speakers' presentations into an edited essay volume titled *Religion and Representation: Islam and Democracy*. The book advances an ongoing effort to dispel many of the myths and misconceptions the world held against all Muslims based on the actions of a few, Tahir said.

When he's not in the office, Tahir also serves as an active member on the boards of St. Joseph's Hospital, the YMCA of Southwestern Ontario, and the Hikma Public Affairs Council. Currently, he is helping to create succession plans for each of these boards, ensuring that future leadership accurately reflects the needs of the community.

"Our biggest challenge is making sure diverse perspectives are represented and heard around the decision-making table," Tahir said. "The people whose voices and abilities we need most are often those who don't have large networks, making them harder — though not impossible — to find."

The work of building a table no longer ruled by fear has been a long time in the making, and Al-Azem and Tahir continue to demonstrate perseverance in their respective leadership roles.

"For too long, discussions have been had about Muslims rather than *with* Muslims," Al-Azem noted. Tahir agreed, adding, "It's about belonging. This table belongs to all of us, and we all belong at this table."



A novel journey

BY ASHLEY RABINOVITCH

Damhnait Monaghan, LLB'92, turns the power of persuasion into a literary career

After learning that the opening chapters of her debut novel, *New Girl in Little Cove*, had been longlisted for the prestigious Caledonia Novel Award, Damhnait Monaghan, LLB'92, spent six days writing and rewriting the rest of the manuscript at break-neck speed.

"I realized that if I didn't make the deadline, I might be throwing away my last chance at publishing a story that wanted to be told," she said. Several months later, Monaghan was vacationing in Niagara on the Lake with the "Law Girls" — a group of kindred spirits who forged a close bond as students at Western Law — when she found out she had succeeded at making the competition's short list. She didn't go on to win the award, but she landed an agent and a book deal with Harper Collins Canada.

The Ontario native spent a decade living in Newfoundland and Labrador as a young woman, two years of which were spent teaching French in a remote community on the Cape Shore. Later in life, this experience would inspire the fish-out-of-water tale of Rachel O'Brien, the protagonist of *New Girl in Little Cove* who bumbles her way through her first year of teaching in an unfamiliar culture.

Like Rachel, Monaghan discovered a beloved second home in Newfoundland. She calls her novel a "love letter" to its people, whose characteristic accent and dialect, self-deprecating humour and traditional culture left a lasting impression.

Several years after moving back home to Ontario to be closer to family, Monaghan realized she was ready to move on from teaching. She visited with her sister, a law student at the time, and decided to take the plunge and follow in her sister's footsteps. "It was the right choice to make," she said. "I absolutely



Front L-R: Damhnait Monaghan, LLB'92, Leanne McClay, LLB'92, Candace Watson-Hiscox, LLB'93
Middle L-R: Helen Patterson (Szymanski), LLB'92, Judy Byrne (Fowler), LLB'92, Lisa Munro, LLB'92, Julie Elgie (Sullivan), LLB'92, Laura Love **Back L-R:** Lynne O'Brien

adored my years at Western."

As Monaghan celebrates the release of her debut novel, she reflects on the role her Western Law experience played in her unconventional journey from French teacher to lawyer to novelist.

She points to a second-year class with former dean Peter P. Mercer, LLB'76, as the spark that ignited her interest in administrative law. After graduation, she practised labour and employment law for eight years in Toronto and three in London, U.K., where she relocated after marrying an Englishman.

Following a career break to raise her young children, Monaghan chose to pursue a part-time master's degree in creative writing at Winchester University, not far from her home in the U.K. She had demonstrated a talent for writing for as long as she could remember.

"I could always write, but becoming a writer was a longer journey," she reflected. After earning her degree in the early 2010s, she put pen to paper with an early iteration of *New Girl in Little Cove* and hasn't stopped writing since.

"What I loved most about my

work in labour and employment law was the focus on people, and that translated well to writing," said Monaghan. She discovered a knack for untangling people problems through research and advocacy, a process that lays the groundwork for creative writing.

"Whether you're presenting a case to an arbitrator or writing a brief, success as a lawyer depends on being able to communicate succinctly and persuasively," she explained. "That ability to use your powers of persuasion to craft a story that's credible to the audience is something that has served me well."

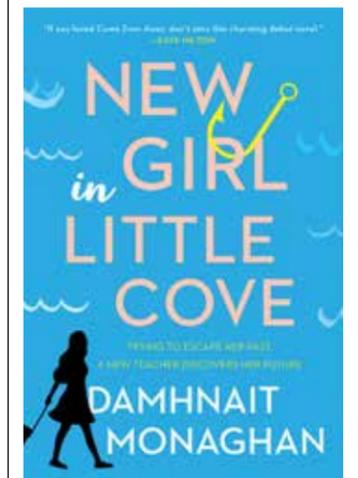
While Monaghan credits her legal education with contributing to her literary success, she views her lifelong friendship with the Law Girls as the single most rewarding aspect of her years at Western Law.

"Ever since our first year at Western, we have been a real support system for each other, both personally and professionally," she said.

Though the pandemic prevented Monaghan from launching her novel in person

in Canada, she looks forward to a trip to the Caribbean with the Law Girls later this year, and visiting family in Ontario at the first possible opportunity.

In the meantime, she continues to divide her time between publicizing *New Girl in Little Cove* and making progress on her second novel. "My first book hasn't even been out for six months yet, so it's all still a bit surreal," she admitted. "My dream came true. How often do we get to say that?"



WESTERN LAW ADVISORY COUNCIL

Western Law is proud to announce the appointment of its Western Law Advisory Council. This group of committed and knowledgeable leaders in the legal profession will lend their varied perspectives and experiences to further the faculty's mission and will have a direct impact on Western Law's immediate and long-term future.

"The establishment of the Advisory Council signals a new phase in Western Law's development. I am delighted that these distinguished alumni have agreed to serve in this capacity. They bring a diversity of experiences, skills and professional networks to the table, and will play an important role as Western Law seeks to enhance its reputation and the high-quality legal education we offer."

Dean Erika Chamberlain, LLB'01



CHAIR
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Toronto

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"I'm thrilled to be joining the Western Law Advisory Council as the Inaugural Chair. Western Law is one of the pre-eminent law faculties in the country and a special place to so many of us. I feel very fortunate to be able to work with such an incredible group of council members, the Dean, faculty, staff and students to help make Western Law even better."

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Leslie Ross, LLB'88
London, UK

General Counsel for Aston Martin F1 Team



10 Questions with Jeff Warnock

Jeff Warnock, JD'12, LLM'21, has returned to Western Law as a visiting professor and instructor for the Indigenous Law course. Jeff is a citizen of the Métis Nation of Ontario and previously worked as a litigator, the Senior Public Policy Advisor for the Métis Nation of Ontario, and on student programs and diversity outreach initiatives at Blake, Cassels & Graydon LLP.

1. What's at the top of your bucket list?

Most of my bucket list items are travel-related. I would love to take a trip to the Galapagos Islands, New Zealand and Yosemite National Park, just to name a few. Also, in the past year I have been running more than I ever have in my life. I wouldn't be so bold as to say that I'd like to run a marathon, but could I run a half marathon? That seems doable.

2. What's the best piece of advice you've ever received?

I heard comedian Jim Carrey say something in an interview that has always stuck with me: 'You can fail at what you don't want, so you might as well take a chance on doing what you love.'

3. What do Canadians need to understand about reconciliation?

Volumes have been written about this subject, but I would answer this question with two suggestions. First, recognize that everyone has a role to play in reconciliation. True reconciliation is only going to be achieved if everyone takes on the responsibility to do their part. Second, listen to what Indigenous Peoples have to say on the subject. Indigenous Peoples have been highlighting what needs to be done to advance reconciliation for decades, from RCAP to the TRC calls-to-action. Listen to what Indigenous Peoples are saying and commit to meaningful and substantive changes in response.

4. Describe a challenge you've had to overcome.

Paying for my education was always a struggle. I relied on loans, some scholarships, and part-time jobs to cover the cost of my undergraduate and legal education. It was well worth it, but overcoming the financial barriers to higher education required a lot of work and planning.

5. Who are your heroes and why?

I would have to say my partner, Sarah. She is a developmental pediatrician. I am in awe of her passion for her work and her dedication to helping children and their families.

6. What was your last favourite book or Netflix binge?

I enjoyed reading *Midnight in Chernobyl*. It's a very insightful account of the Chernobyl nuclear disaster. My most recent Netflix binge was Tim Robinson's sketch series *I Think You Should Leave*. It has been on steady rotation for the past month or so.

7. Why is a mandatory law class in Indigenous Law important?

I have an entire introductory lecture about this very subject, but I will try and keep it brief. Not only is a course addressing this subject a meaningful way for Western Law to work towards implementing TRC Call-to-Action #28, but it also helps to ensure that future generations of lawyers leave law school with an awareness of the revitalization of Indigenous legal traditions that are occurring in Canada. Legal education has traditionally focused on the common law and the civil law, while largely ignoring the laws of Indigenous Peoples. A course like this introduces students to topics that a legal education did not address until relatively recently.

8. What's your favourite Western Law memory?

The people — without a doubt. The professors were so critical to my education, and my classmates made my three years at Western such a fun and fulfilling experience. When I think about my law degree, the first thing I think about is the people.

9. Where do you find inspiration?

My son Eli is a constant source of inspiration. His curiosity and sense of humour never cease to amaze me.

I've also always felt inspired by spending time on Georgian Bay, where I grew up. I've travelled extensively for work and school, but a part of me will always consider it home.

10. You have 60 seconds with a first-year law student. What do you tell them?

Three pieces of advice. First, remember that this experience is about so much more than reading case law. Take advantage of the learning opportunities available to you outside the lecture hall and take the time to connect with your colleagues. Second, try not to put too much pressure on yourself to figure out what the rest of your legal career is going to look like. Your professional path can take you in several different directions, so don't feel like you have to get it all figured out right away. Third, never forget why you applied to law school. Remember what it is about this profession that appeals to you. You need to care about the work you are doing, so while you are trying to navigate all the stresses and pressures of a legal education, periodically remind yourself what drew you to law school in the first place.

GLITCHY SCREENS, 'CAT LAWYERS' AND HOT MICS: THE PERILS OF ZOOM COURTS

By: **Jacquelyn Burkell**, Associate Professor, Faculty of Information and Media Studies; **Denise Eades**, JD'21; **Julie Lee**, former adjunct professor at Western Law; and **Stephen Troyer**, JD'21

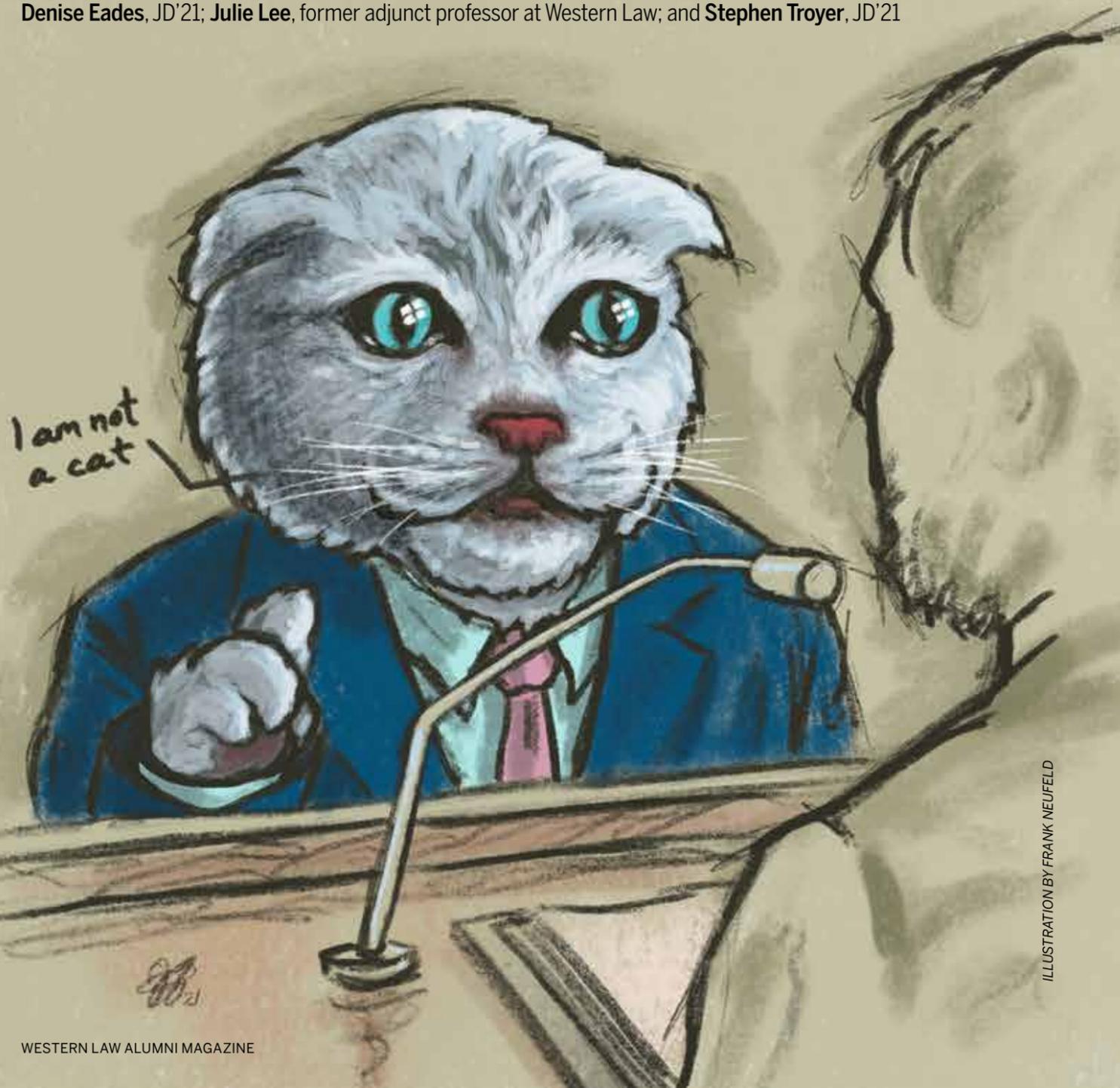


ILLUSTRATION BY FRANK NEUFELD

When COVID-19 was declared a pandemic more than a year ago, physical courtrooms across Canada and around the world closed, doing their part to slow the spread of the virus.

In response, court proceedings at all levels went online using pre-existing platforms, including Zoom. This “new normal” will persist as long as the pandemic does, and some have even predicted there’s no going back.

While the change has many benefits, it also raises many concerns, and courts must be prepared to address these issues to ensure the integrity and accessibility of the justice system.

Accessing Zoom court can be particularly difficult for self-represented and socially vulnerable litigants who find themselves on the wrong side of the digital divide with respect to access to technology, reliable internet access, and the skills needed to negotiate video conferencing technologies.

Broadband access is an issue in rural and remote areas of Canada, including in many Indigenous communities. Even when the technical access issues are addressed, finding a quiet, private and safe place to attend Zoom court can be a challenge.

The problems don’t go away once you’ve made it into a virtual courtroom. Trouble with cameras, microphones, backgrounds and filters can have embarrassing consequences for parties, lawyers and judges. One example is the infamous “cat lawyer.”

In many of these instances, egos and, more importantly, the decorum of the court were most threatened. But there have been technical misfortunes with far more serious consequences.

Unmuted microphones can, for example, create insurmountable problems for court transcribers.

An overheard remark by one judge about defence counsel,

made when the recording was assumed to have paused, resulted in a mistrial in Toronto. In another Canadian case, a party giving evidence failed to mute her microphone. The subsequent statements heard by the court during an off-the-record break raised procedural and substantive concerns, leading to a request for a mistrial, which was ultimately denied.

Security takes on new meaning — and new challenges — in the Zoom courtroom. They’re vulnerable to what’s known as “Zoom bombing” attacks, like in a virtual court hearing in Waterloo, Ont., that was interrupted by disturbing sexual and racist images.

Unlike in physical courtrooms where everyone involved in court proceedings gathers in the same space, participants in Zoom court can attend from almost anywhere. Parties and even lawyers in legal proceedings have attended Zoom courts from odd and inappropriate locations, undermining the smooth functioning and solemnity of the court.

In other cases, the risks and consequences can be much more serious — like when the defendant and the victim in a domestic violence case attended Zoom court from the same apartment, raising immediate concerns about the safety of the victim and triggering an urgent police response.

There’s also the issue of privacy. Even before the advent of Zoom court, there were privacy concerns about the online publication of court records, particularly for vulnerable populations. These concerns have been exacerbated because it’s become even easier for members of the public to satisfy idle curiosity by attending online court proceedings.

Zoom court, in fact, has become an active sub-Reddit featuring amusing and embarrassing moments drawn from streamed

court proceedings. The result can be people’s darkest hours serving as viral entertainment.

Some courts attempt to protect privacy by requiring non-lawyer participants in court cases to sign agreements stipulating they won’t record or re-broadcast video or audio conference court proceedings. These agreements, however, do not apply to members of the public attending open virtual hearings, who can use undetectable screen-capture technologies to record courtroom interactions — recordings that can later be shared on various platforms.

We’ve had centuries to develop the physical courtroom as the setting for court proceedings.

When COVID-19 forced courts to move online, the change happened in a matter of months and involved repurposing existing virtual meeting platforms not specifically designed for court proceedings.

If virtual courts are here to stay, we must acknowledge and respond to the challenges presented by virtual courtrooms. They can never provide the human connection that has been a vital part of legal proceedings. Identifying and promoting best practices can, however, ensure virtual courts function as well as possible.

Addressing digital divide concerns is a critical first step; courts must ensure that all parties have appropriate access to communication technology and platforms. Courts should also take advantage of software features — like implementing waiting rooms and ensuring the automatic muting of microphones and cameras — to ensure smooth functioning.

Our justice system deserves nothing less than careful attention to all of these issues.

Originally published in The Conversation Canada on April 8, 2021.

“If virtual courts are here to stay, we must acknowledge and respond to the challenges presented by virtual courtrooms.”

Law project examines pandemic's impact on family justice



CLAIRE HOUSTON

C OVID-19 has dramatically disrupted how courts conduct business – and now a new Western-led research project will study the pandemic's profound effect on people involved with Ontario's family justice system.

"The pandemic has forced courts and professionals to change their practices," said Western Law professor Claire Houston, the project's principal investigator. "It's a unique opportunity to gather feedback and identify any innovations to improve access to justice."

"The suspension of family court operations that began in March 2020 reduced access to justice in a system already plagued by delay and inaccessibility," said Houston, whose research specialties are children's participation in the justice system, high-conflict separation and intimate partner violence.

She said the reduction in court services has likely had a disproportionate impact on people who are self-represented, have experienced violence from intimate partners, are children of separating parents, or are families involved with child welfare agencies.

This project aims to study how the dramatic reduction in access affected the family justice system and litigants' lives.

It will look at the pandemic's impact over time, including the closing of courthouses and the tight restrictions that brought proceedings almost to a standstill in mid-March, the expanded use of technology during the spring, the gradual reopening of the courts in the summer, and the expected pathway to a 'new normal' over the coming months.

"By identifying how courts and family justice professionals responded to the pandemic, we hope to offer recommendations

for how any innovations may be modified or adopted for continued use," Houston said.

Some of those innovations have included virtual hearings and electronic filing of materials, and these changes may bring their own challenges and inequities. Houston noted that not all litigants have access to the internet and many lack the skills required to submit necessary documents.

The research project has received funding from the Ontario chapter of the Association of Family and Conciliation Courts and the Law Foundation of Ontario.

Houston will work on this research project with co-investigators, professor Rachel Birnbaum of King's University College at Western, and professor Nicholas Bala of Queen's University.

Professor Wade Wright new author of 'go-to' law treatise



WADE WRIGHT

Western Law professor Wade Wright is assuming authorship of Peter Hogg's *Constitutional Law of Canada*, the leading treatise about constitutional law in Canada.

Hogg, a renowned constitutional law scholar, released the first edition of *Constitutional Law of Canada* in 1977. Since then, the book has been published in five editions and has become the most cited academic work in the Supreme Court of Canada, and an essential 'go-to' resource for judges, academics, lawyers and law students about constitutional law in Canada.

After Hogg's death in February 2020, Wright was approached – with the blessing of Hogg's family and close colleagues – by Thomson Reuters, the publisher of *Constitutional Law of Canada*, to assume its authorship.

"It was a tremendous honour to be asked to take on this role," says Wright, who first met Hogg while a student at Osgoode Hall Law School, where Hogg was then the Dean. "*Constitutional Law of Canada* has had a huge impact on Canadian law. The task is a big one – the book is vast in scope and depth – but I'm excited and committed to ensuring it remains the useful resource that it has been to so many."

In his new role, Wright will be responsible for updating *Constitutional Law of Canada* annually. It is published as both a two-volume, looseleaf book (comprising of 60 chapters) and as an abridged annual student edition.

Hogg was an important mentor to Wright over the years. They collaborated on several academic articles and co-authored (with Patrick Monahan) another book, the fourth

edition of *Liability of the Crown*, published in 2011.

"Peter was a legal giant – the academic equivalent of a rock star. Equally important, though, he was also kind, gracious and humble," says Wright. "He embodied the best qualities of a legal academic."

Wright has received funding from the Canadian Foundation for Legal Research for his most recent update to *Constitutional Law of Canada*, and he plans to get his students involved in future editions.

"I'm very excited to engage the students with my yearly updates to the book," Wright says. "It's a way for me to pay forward the opportunities and mentorship that Peter provided to me over the years."

Project mines new frontiers in outer-space law



ELIZABETH STEYN



VALERIE OOSTERVELD

Two Western Law professors have launched a research project into laws governing space mining.

The growing demand for non-renewable natural resources, such as minerals used in batteries, has brought increased attention to the potential for using resources from space here on Earth – and the laws that govern such activities need to keep pace.

The new project, spearheaded by Valerie Oosterveld and Elizabeth Steyn, will examine if international environmental law (IEL) can be employed to address gaps in the regulation of space mining.

Their project, “International Environmental Law and Space Resource Extraction Policy: Towards Coherence,” is funded by a seed grant from Western’s Institute for Earth and Space Exploration.

“Outer-space law was developed in the 1960s through the 1980s, before the notion of large-scale space mining really became viable,” said Steyn. Since then, technology related to space exploration and prospecting has developed at breakneck speed, she said, pointing to Space X’s proposed Mars colonization system and plans by other organizations to mine asteroids.

Current laws are being significantly outpaced by science, said Steyn, which results in a

“The primary goals of outer-space law are to ensure a responsible approach to the exploration and use of outer-space for the benefit and in the interests of humankind.”

VALERIE OOSTERVELD

“mismatch between the advanced science and the embryonic legal framework.” Non-binding international documents have been introduced to fill the gaps, but we need to understand if this is sufficient, according to Steyn.

Oosterveld said space mining is poorly regulated right now, and that raises a key question: “While IEL has requirements governing responsible, sustainable mining on Earth, could these laws apply in space?”

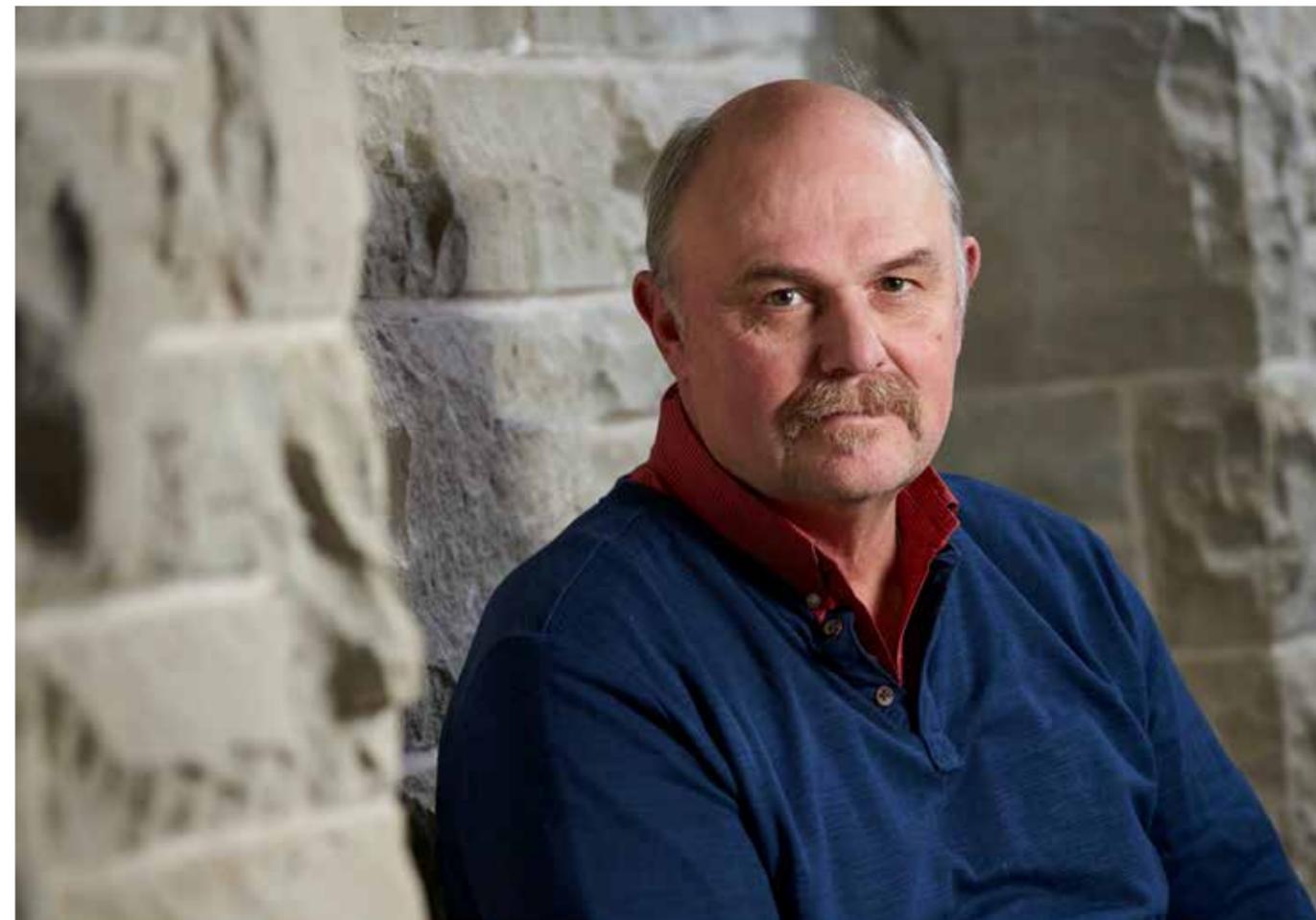
The answers should inform international agreements governing resource extraction in space, but this does not appear to be happening, she said.

Their aim is to draw up recommendations for how international space law on resource extraction can be understood in light of current international environmental law, and to formulate Canada-specific policy adaptations.

Oosterveld has also brought her space law expertise into the classroom. In January, she taught Western Law’s inaugural outer-space law course, which introduced students to the core concepts in international and domestic law governing human activities in space.

“The primary goals of outer-space law are to ensure a responsible approach to the exploration and use of outer-space for the interests and benefits of humankind,” said Oosterveld. “It’s a fascinating area of the law.”

Rande Kostal wins international honour for legal history book



RANDE KOSTAL

Professor Rande Kostal has been awarded a prestigious international honour for authoring a book that sheds new light on the limits of America’s ability to impose democracy on defeated countries.

Kostal’s book, *Laying Down the Law: The American Legal Revolutions in Occupied Germany and Japan*, has won the Reid Prize, awarded annually to the best monograph published in English in Anglo-American legal history.

“This is an outstanding achievement

by a top-notch scholar,” said Dean Erika Chamberlain. “Rande joins recent recipients from Johns Hopkins, Stanford and Harvard universities, and we are exceptionally proud of him.”

Laying Down the Law, which was published by Harvard University Press in 2019, draws from original archival sources to tell the story of the U.S. postwar effort to compel democratization in postwar Germany and Japan – part of a policy to remake those countries into permanently demilitarized,

liberal rule-of-law nations.

“In recent years, we’ve heard a series of American politicians claim that the United States brought democracy and the rule of law to Nazi Germany and Imperial Japan after the war,” said Kostal. “My book is an assessment of that claim.”

Kostal, LLB’81, earned his D.Phil. from Oxford University. He has taught legal history and torts at Western Law since 1988, and is the author of two other law history books and several other published writings.

Research group celebrates decade of tort scholarship



JASON NEYERS



ANDREW BOTTERELL



ZOË SINEL

Members of Western's Tort Law Research Group (TLRG) capped off a highly successful and productive first decade of research collaboration, publishing two new books in 2020.

Introduction to the Canadian Law of Torts, 4th ed., and *Fridman's The Law of Torts in Canada*, 4th ed., carry on the legacy of the late professor Gerald Fridman and signal the increasing strength of tort law scholarship at Western Law.

Established in 2010 by professors Jason Neyers, Stephen Pitel and Erika Chamberlain, the TLRG was built on Western's existing depth in the field and provided a

new forum for collaboration.

In the ensuing decade, the research group has fostered several fruitful research projects and publications.

In 2018, group members were awarded two SSHRC Insight Grants; professors Jason Neyers and Andrew Botterell for "Deceit and Per Quod: A Rights-Based Perspective," and professors Erika Chamberlain and Rande Kostal for "Canada's Private Law Revolution." Professor Zoë Sinel was also one of three scholars awarded a SSHRC Insight Grant in 2019 to study "Tort Law in its Social Context."

In addition to the two most recent books, members have

published *Tort Law: Challenging Orthodoxy* (2013), *Cases and Materials on the Law of Torts* (10th ed., 2019), and *Gerald Fridman and the Law of Obligations: Past, Present and Future* (2019).

They've also received impressive individual research grants: Sinel was awarded a SSHRC Insight Grant for "Just Feelings: A Tort Law Theory of Emotion" (2020-2023), and Neyers received a SSHRC Standard Research Grant for "The Economic Torts as Corrective Justice" (2009-2013).

The work of the TLRG has been cited by the Supreme Court of Canada, the Supreme Court of the United Kingdom,

the Supreme Court of New Zealand, the High Court of Australia, and numerous appellate and first instance courts in Canada and abroad.

Looking ahead, Western Law is proud to host the 10th Biennial Conference on the Law of Obligations in Banff, Alta. from July 12-15, 2022. The conference, titled *Private Law and the State*, will be co-convened by professors Jason Neyers, Zoë Sinel and Joanna Langille, and Andrew Robertson of the University of Melbourne. It will bring together legal scholars, judges, and practitioners from the common law world to discuss current issues in private law theory and doctrine.

Faculty notes and books

NOTES:



Professors **Wade Wright** and **Joanna Langille** received funding from the Canadian Foundation for Legal Research for their projects, "Constitutional Law of Canada Looseleaf Version & Student Edition" and "Understanding the Public Policy Exception in Common Law Choice of Law Doctrine," respectively.



Professor **Claire Houston** was awarded the 2021 Dean's Research Fellowship for her project titled, "Spousal Support for Men." Her research will provide both a theoretical and doctrinal analysis of spousal support as a vehicle for promoting gender neutrality and substantive gender equality.

BOOKS:



Debt and Federalism: Landmark Cases in Canadian Bankruptcy and Insolvency Law, 1894-1937 (UBC Press)

By **Thomas Telfer** and Virginia Torrie

The book traces changing conceptions of federal bankruptcy and insolvency power through four landmark cases that, together, form the constitutional foundation of the Canadian bankruptcy system.



Law and Learning in the Time of Pandemic (lex-electronica.org)

Edited by **David Sandomierski** and Shauna Van Praagh.

Canadian law professors share their thoughts in an intriguing collection of essays.



Introduction to the Canadian Law of Torts, 4th ed. (LexisNexis) and **Fridman's The Law of Torts in Canada**, 4th ed. (Carswell), carry on the legacy of the late professor Gerald Fridman and signal the increasing strength of tort law scholarship at Western Law.



American Legal Education Abroad: Critical Histories (NYU Press)

Edited by **David Sandomierski** and Susan Bartie

What role did American cultural and economic imperialism play in legal education? This book offers a critical history of the Americanization of legal education in fourteen countries beyond the U.S.



The Elgar Companion to the International Criminal Court (Edward Elgar Publishing)

Co-edited by **Valerie Oosterveld** and Margaret M. deGuzman

The book examines the achievements and challenges of the International Criminal Court during its first two decades.



Duties of Securities Brokers in Canada (LexisNexis)

By **Christopher C. Nicholls** and Jeffrey G. MacIntosh

With a focus on the duties of Canadian stockbrokers to their clients, and the rules of self-regulatory organizations and judicial and administrative decisions, this new publication is destined to become a must-read resource.

Scholarships, Awards and Bursaries

We would like to thank the donors who have generously contributed to the following awards valued at \$1,000 or more. We also wish to thank those donors who have chosen to remain anonymous. Your support of student scholarships, awards and bursaries provides exceptional opportunities for students to be inspired by leading faculty while also providing recognition for their academic achievements.

A.B. Siskind Scholarship

A.T. Little Scholarship and Gold Medal

Adam Fanaki Memorial Award in Competition Law

Ailbe C. Flynn LLB '97 Memorial Scholarship in Intellectual Property

Albert Oosterhoff Award in Property

Alex Kennedy Memorial Scholarship

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Badun-Gillese Entrance Scholarship

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Blake, Cassels & Graydon LLP Entrance Scholarships

Bredt/Cameron Entrance Scholarship in Law

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CC Partners Award in Labour Law

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Catalyst Capital Entrance Scholarship

Catalyst Capital Scholarship in Bankruptcy and Insolvency Law

Catalyst Capital Scholarship in Bankruptcy, Insolvency and Restructuring Law

Catalyst Capital Writing Scholarship in Advanced Restructuring and Insolvency Law

Cheryl Waldrum Global Opportunities Award in Law

Clarke-Osborne Family Entrance Scholarship

Class of '97 Law Grad Pact Bursaries

Colin D. Leitch Award

Darlene and Brian Empey Law Award

David C. Scott Memorial Award

David L. Johnstone Award in Corporate Law

David Thompson Alumni Entrance Scholarship

Dez Windischmann Memorial Bursary

Diana Majury-Cheryl Waldrum Award

Dr. Ian Randall Kerr Memorial Award in Law

Earl Palmer QC Entrance Scholarship

Edna Yuet-Lui Chan Memorial Award

Edward C. Elwood QC Prize in Wills and Trusts

Eric K. Gillespie Professional Corporation Writing Scholarship

Erika Gross Chamberlain Bursary in Law

Fasken Awards

Filion Wakely Thorup Angeletti LLP Award in Labour and Employment

Francis Marie Clark Award in Law

Gowling WLG (Canada) LLP Entrance Scholarship

Grad Pact Law Bursary

Gregory Brandt Award in Constitutional Law

Gurmukh Family Bursary in Law

Harold G. Fox Education Bursary Fund

Harold G. Fox Education Fund Awards

Harold G. Fox Entrance Scholarships

Harte Law Award

Hasham-Steele Bursary in Law

Hayes eLaw LLP Scholarship Insolvency Institute of Canada Prize in Insolvency Studies

Huron R. Davidson Entrance Award

J.G. McLeod-McSorley Scholarship in Family Law

J.S.D. Tory Writing Prize

James G. McKee Award

Joanne Poljanowski Memorial Bursary in Law

Kevin J. Comeau Continuing Scholarship

Law Class of 1982 Award

Law Class of 1993 Bursary

Law Class of 2007 Tim Edgar Memorial Award

Law Society of Ontario Education Equity Award

Leonard J. Carter Bursary

Lorenzo Di Cecco Memorial Award in Criminal Law

Lorna Cuthbert Bursary in Law

Lynda Usprich Memorial Bursary in Law

MacKewn, Winder, Kirwin Entrance Scholarship in Law

Margaret E. Rintoul Award in Wills

Mario Paura Award in Law

McArdle-MacKinnon 125th Anniversary Alumni Award

Michael Allen Harte Award

Mitch and Leslie Frazer Scholarship

MM Entrance Award in Law

Myer and Sarah Solomon Entrance Scholarships

Newton Rowell Entrance Scholarships

Nidhi Kanika Suri Memorial Award

Norman Craig Brown QC Continuous Bursary in Law

Norton Rose Fulbright Canada LLP Award

Osler, Hoskin & Harcourt Award in Legal Research, Writing and Advocacy

Osler, Hoskin & Harcourt Diverse Scholars Award

Osler, Hoskin & Harcourt Excellence in Business Law Award

Osler, Hoskin & Harcourt Leadership Award

Paul Bradley Award in Real Estate Law

Peter Barton Award in Civil Procedure

Rawal Family Entrance Scholarship

Rhodes Western Law Award

Right Honourable Brian Dickson Award

Robert and Anne Aziz Award

Robert D. Preston Entrance Award in Law

Robert Ninham Entrance Scholarship

Robert M. Solomon Scholarship in Tort Law

Rosen Sunshine LLP Award in Health Law

Sandra Oosterhoff Memorial Bursary

Shaun Finnie LLB '89 Bursary

Sonja J. Gundersen Awards

Stanley C. Tessis Memorial Award

STEP Canada Award in Trusts

Student Legal Society Entrance Scholarship

T.J. Laskowsky Class of 2001 Entrance Award in Law

The Royal Cdn. Regiment Milton Fowler Gregg V.C. Bursary

The Solomon and Lent Family Entrance Scholarship

Thorsteinssons LLP Award in International Tax

Torkin Manes LLP Award

Torys LLP Award in Business Law

Torys LLP Student Support Bursary

Tremayne-Lloyd Family Bursary

UWO Law Alumni Association Bursaries

UWO Law Alumni Association Entrance Scholarships

Violet King Award

W.R. Poole, QC Criminal Law Moot Award

Western Alumni Global Opportunities Award in Law

Western Law Entrance Scholarships

Western Law Student Support Bursary

W. Geoff Beattie Scholarship in Business Law

New award from leading firm invests in law school equity, diversity



Dale Ponder

A generous \$100,000 gift from Osler, Hoskin & Harcourt LLP will encourage diversity and the attainment of equity in legal education and practice.

The *Osler, Hoskin & Harcourt Diverse Scholars Award* will be awarded annually to a full-time undergraduate student in second-year law with strong academic achievements and financial need. Preference will be given to equity-deserving students who self-identify as Black, Indigenous or a member of a racialized group.

“At Osler, we believe in the power of diversity of thought, background and experience; we believe it makes us better as a firm in serving our clients and arriving at creative and innovative legal solutions for them.”

in our classrooms and in the profession.”

This sentiment was echoed by Dale Ponder, co-chair at Osler, Hoskin & Harcourt.

“Our Canadian law schools, such as Western Law, are the most important source of outstanding legal talent for private firms such as Osler and the Canadian legal industry overall,” said Ponder. “At Osler, we believe in the power of diversity of thought, background and experience; we believe it makes us better as a firm in serving our clients and arriving at creative and

innovative legal solutions for them.”

Ponder added, “We are pleased to collaborate with Western Law in establishing this award, and we hope it will help attract excellent students who might not otherwise choose to pursue law as a career or Western Law as their law school of choice.

DALE PONDER

“We’re grateful to Osler for supporting our students and for helping us to enhance the diversity of our JD class,” says Dean Erika Chamberlain. “We have a shared commitment to improving access to legal education and ensuring that a range of perspectives and experiences are promoted

number of significant initiatives underway to diversify its student population at this critical time in the evolution of law schools – and we applaud them.”

Osler, Hoskin & Harcourt is a leading business law firm practising internationally from offices across Canada and in New York.

Inaugural Violet King Award recipient named

First-year student Emmanuel Egbo has been named Western Law's first annual *Violet King Award* recipient.

"Thank you for supporting diversity within our law school community and making the legal profession more accessible," Egbo said, after learning he was chosen to receive this year's award by the Western Law scholarship committee. "It's people like you that help break down barriers and make the legal world feel more inclusive, warm and welcoming."

The award, which was established in 2020 in consultation with the Black Law Students' Association, is awarded each year to a full-time Black student in their first year of law school who has experienced hardship and economic disadvantage, and has demonstrated financial need.

"I am honoured and grateful to be receiving this award. It has truly eased a lot of my concerns and worries," said Egbo. "And it has enabled me to stay in this program and continue to pursue my dream."

"It's people like you that help break down barriers and make the legal world feel more inclusive, warm and welcoming."

EMMANUEL EGHO



Violet King became Canada's first Black female lawyer in 1953, after being the first female to graduate from law school and be called to the Bar in Alberta. She immigrated to Canada from the U.S. with her family in 1919, where she would spend her life advocating for the rights of Black women across the country. She passed away in 1982 at the age of 53 and was subsequently inducted into America's National YMCA Hall of Fame in 1988.

Scholarship established for minorities underrepresented in legal field

Bereskin & Parr LLP has donated \$10,000 to establish the *Bereskin & Parr LLP Scholarship*.

The \$2,000 entrance scholarship will be awarded annually to an undergraduate student who self-identifies as Black or Indigenous, and will be based on academic

achievement in pre-law studies. Preference will be given to students with a post-secondary degree in a STEM discipline (Science, Technology, Engineering or Mathematics).

"Bereskin & Parr is committed to supporting the education of Black and Indigenous students of law," said managing

partner Stephen Beney. "We look forward to seeing what this next generation of Canadian lawyers will accomplish."

Bereskin & Parr LLP is one of the largest full-service intellectual property law firms in Canada. They serve a diverse range of clients around the world.

CLASS NOTES



L-R: Phil Harrington, Robert Fabbro, Doug Lawson, Henry Hagey, Carl Fleck and Jim Tait.

The **Class of 1965** recently held two reunions – their 55th virtually via Zoom on Oct. 16, 2020, and their 56th in person in London, Ont. on Sept. 25, 2021. Graduates from as far away as Hong Kong joined the celebration over Zoom. Their 56th reunion was celebrated with a tour around the Faculty of Law followed by an evening of jovial fun reminiscing about their days at Western Law.

1960s

Colin McNairn, LLB'63, published his eighth book, *Signs of the Times through Reimagined Nursery Rhymes*, through Kelsay Books in June 2021.

William Donaldson, BA'67, LLB'70, was re-appointed as Alternate Chairperson and Legal Member of the Ontario Review Board until June 2024.



Albert Oosterhoff, LLB'64, BA'68, was honoured with the Ramon John Hnatyshyn Award for Law by the Canadian Bar Association in February 2021. He also published the ninth edition of *Oosterhoff on Wills* through Thomson Reuters in August 2021, *Oosterhoff Blogs on Estates & Trusts* (Vol. 1), and was named to the Best Lawyers in Canada list for 2022.

1980s



Sabine Nölke, LLB'85, retired in March 2021 after a 30-year career in public service. She has worked on issues of international law, disarmament and nuclear security, and most recently was the Canadian Ambassador to the Netherlands.

Submit your Class Note at alumni.uwo.ca



Patricia Callon, LLB'87, Vice-President & General Counsel at Sun Life Financial, was honoured with a WXN Top 100 Award in December 2020. She's recognized as a thought leader and champion of change within Sun Life Financial and Canada's legal community.



Rasha El-Tawil, LLB'07, Partner at Siskinds LLP, was named to London Inc. Magazine's Top 20 Under 40 list in 2021.

Amy Archer, LLB'09, was appointed a Senior Advisor on Legal Affairs at the Office of the Prime Minister of Canada in 2021.



Lorin MacDonald, JD'09, was named to Canadian Lawyer's 2021 Top 25 Most Influential list in the Human Rights, Advocacy and Criminal category. She was also a WXN 2021 Canada's Most Powerful Women: Top 100 award winner in the Inclusion Vanguard category.

Jordana Talsky, JD'09, released her original EP, *Zahava*, in August 2021. She also provides estate planning services to law firms on a freelance basis.

Adam Chambers, JD'11, was elected as Member of Parliament for Simcoe North in Canada's 44th federal election in September 2021.

Olivia Nisbet, JD'17, was appointed Assistant City Solicitor for the City of Sarnia in October 2020.

Katelynn Drake, JD'18, Lawyer at Legate Personal Injury Lawyers, was named to London Inc. Magazine's Top 20 Under 40 list in January 2021.

Matt Helfand, JD'18, co-authored *Expropriation Law in Ontario*, published by LexisNexis in May 2021.

1990s

John Bonn, BA'90, was appointed a Justice of the Ontario Court of Justice in December 2020. He presides in Belleville, Ont.



Damhnait Monaghan, LLB'92, published her novel *New Girl in Little Cove* in February 2021. It's a light-hearted romantic comedy inspired by the years she spent teaching in outport Newfoundland.



Michael Copeland, LLB'93, was named Chief Commercial Officer of Woodbine Entertainment in May 2021.



Rodi-Lynn Rusnick-Kinisky, LLB'99, was appointed Director of Lakehead University's Community Legal Services in May 2021.

2000s

Eva Bellissimo, LLB'01, was named to Canadian Lawyer's 2021 Top 25 Most Influential list in the Business category in September 2021.

Amy ter Haar, LLB'04, was honoured as a Top Women in FinTech & Blockchain in June 2021.

Susan Toth, LLB'05, was awarded the Ontario Bar Association's Award of Excellence in the Promotion of Women's Equality in 2020.

Geoffrey Pollock, JD'06, was appointed to the Board of the Ontario Justice Education Network in March 2021.

2010s



Sunil Gurmukh, LLB'08, was honoured with the Young Alumni award at Western's 46th Annual Alumni Awards of Merit celebration in September 2021.



Aaron Baer, JD'13, was named to Canadian Lawyer's 2021 Top 25 Most Influential list in the Changemakers category in September 2021. He also launched the 4L Academy, which provides modern, interactive legal training for young lawyers and law students.



Carolynn Conron, LLM'13, Partner at Conron Law, was named to London Inc. Magazine's Top 20 Under 40 list in January 2021.

Jordan Wajs, JD'18, HBA'18, joined Stikeman Elliott LLP as an Associate in the firm's Litigation & Dispute Resolution Group in February 2021.

2020s



Emma Williams, JD'20, is doing a clerkship at the Federal Court of Appeal for 2021-2022 and will then transition into a clerkship at the Supreme Court of Canada.

Congratulations

to our outstanding alumni on their
Lexpert Rising Stars: Leading Lawyers Under 40 Award in 2020!



Caroline Descours, LLB'09
Partner at Goodmans LLP



Eric Foster, LLB'06
Partner at Dentons LLP



Matthew Lerner, LLB'07
Partner at Lenczner Slaght LLP



Jeffrey Levine, LLB'07
Partner at McMillan LLP

Alumni named to Order of Canada



Michele Leering



John E. Peller

Two Western Law alumni are among the 114 people newly appointed to the Order of Canada.

Michele Leering, LLB'83, was named a Member of the Order, and John E. Peller, LLB'80, was named an Officer of the Order, by then Governor General Julie Payette on Nov. 27, 2020.

Created in 1967, the Order of Canada is one of this country's highest honours. It recognizes one's outstanding achievements,

dedication to their community and service to the nation.

Leering, executive director of the Community Advocacy & Legal Centre in Belleville, Ont., is being recognized for "her dedication to helping underprivileged and marginalized populations gain access to legal services and the justice system."

Peller is president and chief executive officer for Andrew Peller Ltd., which operates Peller Estates Winery in Niagara-

on-the-Lake. He was recognized for "leading and expanding the family's wine-producing company, and for his outstanding contributions to the Canadian wine industry."

Nearly 7,500 Canadians have been named to the Order since its inception. Recipients come from diverse areas of society, but all embody the motto *desiderantes meliorem patriam*, which means "they desire a better country."

IN MEMORIAM

Joe Arvay, LLB'74, passed away Dec. 7, 2020, at the age of 71. He was a highly regarded litigator on cutting-edge human rights, equality and constitutional cases, and was appointed Queen's Counsel at the tender age of 38. Later, he was also awarded the Order of Canada.

Jane Devlin, LLB'74, passed away peacefully surrounded by her family at Kensington Hospice on June 22, 2021. She is fondly remembered as a mother, fiancé, distinguished labour arbitrator, avid golfer and bridge player, and a loyal and trusted friend.

William John (Cew) Egner, LLB'65, passed away peacefully at his home in Ridgewood Park on Aug. 23, 2021. He is missed deeply by his wife Carol, daughter Kristen, and son-in-law Darryl, as well as his granddaughters, Skye and Kathelene.

Glenn Hainey, LLB'74, passed away peacefully at home surrounded by family on Oct. 6, 2021, after a short but courageous battle with cancer. In 2010, after a successful career practising criminal law, Hainey was appointed a judge for the Ontario Superior Court. The beloved 70-year-old was described as "fair, just and also fun – a combination delivered by very few."

Marg McNulty passed away peacefully in London, Ont. on July 6, 2021, at the age of 92. She worked at Western Law for 31 years, taking her well-earned retirement in 1989.

Blair Louis Roedding, LLB'09, passed away suddenly on Nov. 3, 2020. He is missed dearly by this beloved wife Courtney, son Wolfgang, and daughters Vienna and Lillian.

Stewart Shackleton, LLB'87, passed away suddenly at his home in the U.K. on Jan. 19, 2021. He had a passion for art, culture, theatre, Michelin three-star restaurants and education, and took great pride in his sons, Gan and Xin.

Donald Sibbald, LLB'82, passed away Jan. 8, 2021, at the age of 69. He was a well-respected member of the Calgary legal community and was appointed Queen's Counsel in 2010. Sibbald was also a dedicated volunteer with the Calgary Food Bank, the Red Cross and Meals on Wheels.

Charles Edmund Thomas, MA'82, LLB'85, a retired military major who was studying towards a doctorate in law, died unexpectedly in Stratford, Ont. on Oct. 10, 2020. He is remembered for his kind heart, firm morality and razor-sharp wit.

A Tribute to Joe Arvey, LLB'74

BY PROFESSOR MICHAEL LYNK

Joe Arvey's untimely passing at the age of 71 is a great loss for the Canadian legal bar, for defenders of human rights and civil liberties, for admirers of the art of advocacy at its highest, for those who champion unpopular causes, and for Western Law.

He died in Vancouver on Dec. 7, 2020.

A 1974 graduate of Western Law, he went on to earn a LLM from Harvard and taught law for several years at the University of Windsor before accepting a position as a constitutional lawyer with the British Columbia Attorney General. Arvey later left the government for private practice, where he became a highly-regarded litigator on cutting-edge human rights, equality and constitutional cases. He was appointed Queen's Counsel at the tender age of 38, and was later awarded the Order of Canada.

As an undergraduate student at Huron University College in London, Arvey was in a serious highway car accident. As a result, he suffered a significant spinal injury which left him a paraplegic. While his disability did not define him – he would become an avid sailor and skier – Arvey developed a deep empathy for the vulnerable and the marginalized. "I became acutely aware of discrimination and prejudice against minority groups, including me," he once said.

At Western Law, he excelled as a student. As he recalled in an alumni profile written about him in 2013: "It didn't take me long to know that I had found what I wanted to do. It was instantaneous once I finally understood that law is a way to help solve problems using the force of one's intellect or power of persuasion." He added: "This is like being a plumber with words. I can actually fix something."

As a constitutional and civil litigator, Arvey appeared before the Supreme Court of Canada more than 75 times. On his passing, Chief Justice Richard Wagner said in a statement: "Arvey's advocacy skills were second to none. Some have referred to him as the court whisperer, given his long line of victories here at the court. He defended the Canadian Charter of Rights with great passion."

Indeed, Arvey's constitutional victories have become legendary. These landmark cases included the successful defense of a Vancouver bookstore on charges of import-



ing obscene materials (*Little Sister's Book and Art Emporium v. Canada*); the striking down of indefinite solitary confinement in Canadian prisons (*Canada v. British Columbia Civil Liberties Association*); enabling a community health group to establish a safe-injection site (*Canada v. PHS Community Services Society*); overturning Canada's prostitution laws (*Canada v. Bedford*); upending a school board ban on elementary school books portraying same-sex families (*Chamberlain v. Surrey School Board District #36*); and winning a seminal labour union challenge to government restrictions on collective bargaining (*BCGEU v. BC Health Services*).

His most famous legal victory was *Carter v. Canada*. In 2015, the Supreme Court of Canada unanimously ruled that the Criminal Code prohibition against assisted death violated the Charter of Rights and Freedoms. Representing several families who were seeking the right to assisted death with the assistance of the British Columbia Civil

Liberties Association, Arvey and his legal team assembled an extraordinary amount of expert evidence and argument, which resulted in a 1,400-paragraph ruling in his favour at the British Columbia Supreme Court in 2012. At the Supreme Court of Canada, he persuaded the justices to overturn a 22-year-old precedent – *Rodriguez v. British Columbia* – which had earlier upheld the Criminal Code provisions.

"Joe Arvey was one of Western Law's most accomplished alumni," said Dean Erika Chamberlain. "A gifted trial and appellate advocate, a well-recognized constitutional litigator who indelibly changed our human rights and equality laws, and a stellar legal voice for those who needed a champion in the courts, he enhanced the rights of all Canadians by ensuring that the Charter would become a dynamic, living tool. As sad as his early passing is, he leaves behind a wonderful legacy of rights that we all enjoy. Our deepest condolences to his wife, Connie Addario, and his family."

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I'm proud to give back to the Western Law community as a champion for access to legal education, so students can focus on their educational experiences without the financial pressures of today.

Paula Lombardi, LLB'01



Your gift to the Western Law Student Support Bursary plays a vital role in providing financial aid to students who need it most. Together, we can ensure our students pursue their legal education knowing they are supported by a strong network of caring alumni.

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