

# Western Law

2020 ALUMNI MAGAZINE

## A YEAR LIKE NO OTHER

Christine Elliott, LLB'78, on leading Ontario's response to the COVID-19 pandemic



### **ALSO IN THIS ISSUE:**

**COVID and  
the courts**

**Advocating in  
the (post-)COVID  
courtroom**

**Improving racial  
diversity at  
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# CONTENTS

4	DEAN'S MESSAGE
5	FACULTY UPDATES
20	FEATURES
20	10 Questions with Minister Christine Elliott, LLB'78
24	COVID and the courts with Chief Justice Geoffrey Morawetz, LLB'78
26	ALUMNI OPINIONS
36	ALUMNI STORIES
44	ALUMNI GATHERINGS
48	DEVELOPMENT NEWS
54	CLASS NOTES



On the cover: Photo of Minister Christine Elliott by Frank Neufeld

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**WESTERN LAW ALUMNI MAGAZINE**

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**COVID AND THE COURTS**  
WITH GEOFFREY MORAWETZ, LLB'78  
**Story on page 24**

# MESSAGE FROM THE DEAN

**W**hen it came time to decide on a theme for this year's alumni magazine, it was no surprise we chose to focus on the effects of COVID-19 on legal education and the practice of law.

We're proud that Western Law alumni are playing critical roles in the pandemic response. In this issue, you'll read how our graduates – including the Honourable Christine Elliott, LLB'78, Ontario's Deputy Premier and Minister of Health, and the Honourable Geoffrey Morawetz, LLB'78, Chief Justice of the Ontario Superior Court of Justice – are leading the way in terms of public health and the provision of justice in our province.

The pandemic forced all of us to make rapid and sometimes uncomfortable adjustments to our daily routines and professional practices. While some will turn out to be temporary inconveniences, others will endure well after the pandemic has ended. The justice system has been forced to adopt things like virtual hearings and the remote commissioning of documents, the Law Society delivered its licensing exams online, and law offices have reduced their dependence on paper files and in-person meetings. Several changes that were thrust upon us will ultimately help make the legal system more efficient and accessible, thereby serving the public better.

The situation in law schools is no different. In March, we were forced to move our courses and examinations online swiftly, and most of our upper-year courses

are being offered remotely in the 2020-21 academic year. Our legal clinics learned how to serve clients remotely, including those whose access to technology is limited. The summer academic conference season was transformed into a series of Zoom workshops in which we participated from our kitchen tables. And this fall, Western celebrated its first virtual Homecoming. All of these seem like pale comparisons to their in-person counterparts.

But there are silver linings, too. The ongoing changes brought on by the pandemic led us to hold frequent faculty meetings throughout the summer. They encouraged professors to share new teaching and student engagement strategies for the virtual classroom. The Canadian law deans have been in more regular contact with each other and our regulatory bodies as we collaborate on solutions for summer recruitment, the licensing process, and diversity in our student bodies. In many ways, the pandemic brought us closer together than we've ever been.

At Western Law, the pandemic has inspired us to provide more financial aid and employment opportunities for students. This summer, we used Dean's Circle Funds to hire 25 additional research assistants – an initiative that provided students with law-related experience and enhanced our research output at the same time. In total, we employed more than 80 students full-time for the summer. With thanks to a strong

number of our alumni and firm benefactors, we've also established the *Western Law Student Support Bursary*, which will provide financial aid to students who need it most.

This fall, we were thrilled to welcome our first-year students in person. As in every sector, we adapted our practices in accordance with public health guidelines, which means that our classrooms look very different – complete with plexiglass barriers for professors, physically distanced seats, and live-streaming for those who can't attend in-person. However, with our signature small group program intact, our incoming students are still developing supportive relationships with their classmates and professors, forming the close-knit community that sets Western Law apart.

While we'll all be facing new challenges in the coming months, I'm proud our faculty and staff have pulled together to provide the best student learning experience possible in the circumstances. Whether we're at home or at school, the Western Law spirit continues to thrive.

**Erika Chamberlain, LLB'01**

“While we'll all be facing new challenges in the coming months, I'm proud our faculty and staff have pulled together to provide the best student learning experience possible in the circumstances.”





Randal Graham



## Leaving a lasting impression

Randal Graham receives top university award for teaching excellence

BY ASHLEY RABINOVITCH

**P**rofessor Randal Graham has never made class attendance mandatory, but his students show up anyway. “They can tell that I love what I do,” he said. “And what’s not to love about being surrounded by a group of committed, soon-to-be professionals who share your interest in the law?”

Since joining the Faculty in 2002, Graham has received multiple teaching awards, including *Professor of the Year* and the *Award of Excellence in Undergraduate Teaching*. This year, he added the *Edward G. Pleva Award*, Western’s highest honour for teaching excellence, to the list.

“I was humbled and honoured to have been nominated for this award by Professor Pitel, who is a past *Pleva* winner, and supported by many top-notch teachers and students whom I deeply respect,” noted Graham. “Dean Erika Chamberlain, in particular, has championed the development of new approaches to teaching and encouraged my experimentation.”

“Professor Graham is perennially one of our most popular instructors, known for his engaging lecture style, depth and breadth of legal knowledge, and sense of humour,” said Chamberlain. “He works tirelessly for his students, providing detailed feedback on assignments, drafts and practice exams, and being available for students at virtually all hours of the day.”

Over the years, Graham has taught courses in statutory interpretation, legal ethics, criminal law, evidence, administrative law, taxation, corporate law, law and economics, legal rhetoric, legal drafting, advocacy, and graduate research. If given a choice between teaching an intimate class of 10 students or a crowd of 200, he will always choose

the crowd. “I love a big room where I can feed off students’ feedback and get them to debate each other,” he explained.

Graham approaches the art of teaching with the same creative energy and humour he harnesses to write successful satirical novels. As a law student at York University’s Osgoode Hall, he learned best from professors who made him laugh.

“They wouldn’t sacrifice the quality of their teaching on the altar of comedy, but they would intentionally choose cases with a funny angle,” he said. “I try to be a bit silly in my lectures to get the point across because you can more easily convince someone of an argument when you make them laugh. You leave a lasting impression.”

In each class period, Graham endeavours to tell an engaging story.

“I’ve heard a few students call my classes ‘storytime,’” he shared. “I try to weave an overarching narrative about the law that continues throughout the year and keeps them interested until the very end.” If he could identify one trait that he works the hardest to encourage in his students, it’s skepticism. “I’m always trying to encourage a greater willingness to challenge accepted knowledge, roll the dice, and take a risk.”

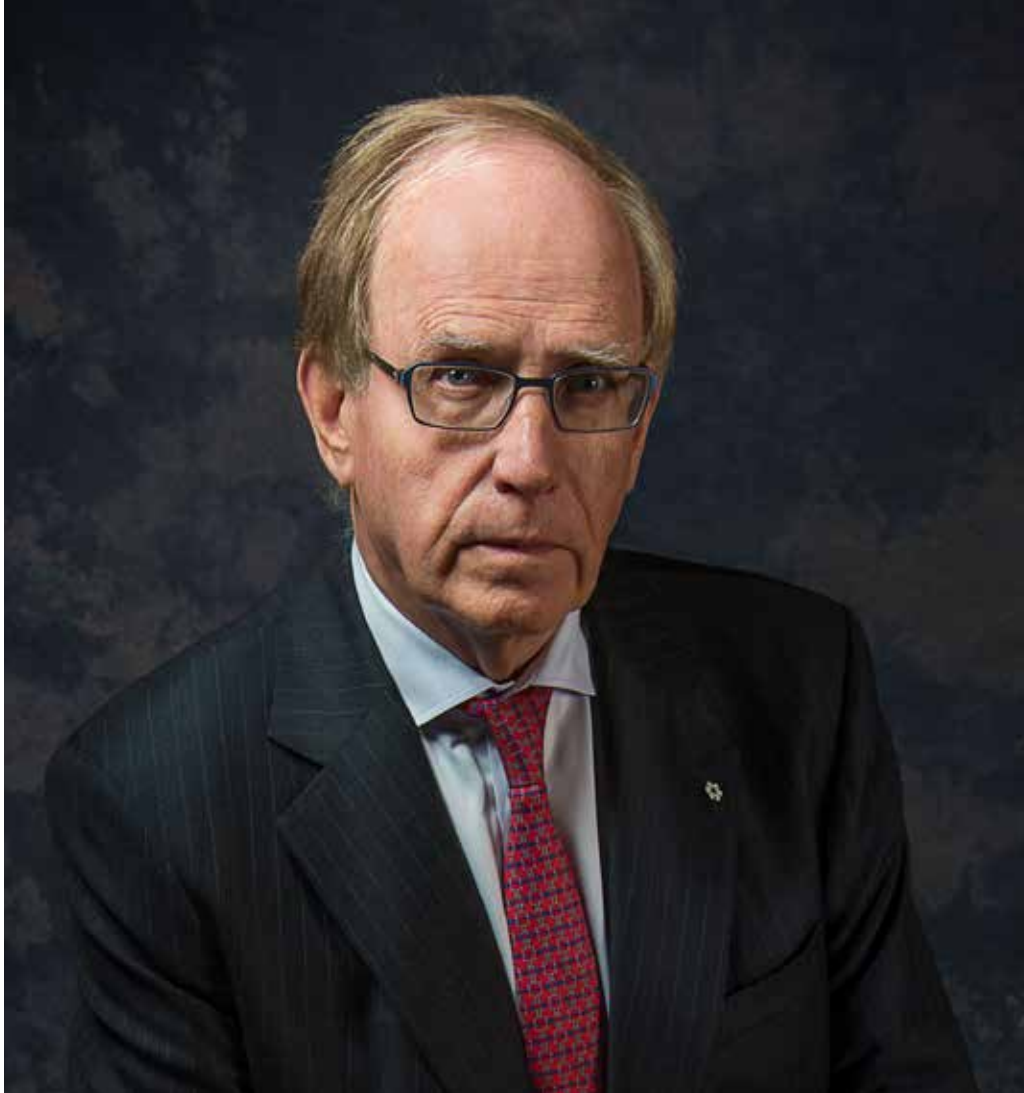
Graham consistently earns rave reviews from his students, made even more impressive by the fact that most courses he teaches are required.

“It’s easy to spark a passion for the law when I’m surrounded by students of such a high calibre,” he said. “The greatest reward of my job is to watch students forge ahead through difficult material and become the talented professionals they’ve always had inside them. It’s gratifying to be part of their journey.”

“The great reward of my job is to watch students forge ahead through difficult material and become the talented professionals they’ve always had inside them.”

Randal Graham

# Investigation into International Weightlifting Federation by Richard McLaren, LLB'71, finds corruption 'at the highest levels'



*Richard McLaren*

**“Overall, I found an organization that had been subject to, for close to half a century, an autocratic leader who dictated, through various control mechanisms, everything that occurred within the organization.”**

**Richard McLaren**

BY ASHLEY WISEMAN

**A**n investigation into the International Weightlifting Federation (IWF) by Western Law Professor Richard McLaren has found evidence of decades of corruption, doping coverups, favouritism, and financial mismanagement.

The results, originally detailed in a 122-page report, were made public in June.

“Overall, I found an organization that had been subject to, for close to half a century, an autocratic leader who dictated, through various control mechanisms, everything that occurred within the organization,” said McLaren.

He added that 81-year-old IWF President Tamás Aján’s “obsession with control created a culture of fear” and that other IWF officials demonstrated “a constant fear of reprisal by the president.”

Perhaps unsurprisingly, McLaren and his chief investigator, Martin Dubbey, found Aján took extraordinary measures to retain power over the federation, including offering cash bribes to member federations. “The delegate had to take a picture of the completed ballot and show the vote broker this evidence before receiving the cash bribe,” said McLaren.

But Aján didn’t just attempt to control the presidential elections. He also made sure he had exclusive control of all the federation’s financial aspects.

McLaren said his investigative team, which was comprised of experts in forensic analysis, financial investigations, money laundering, doping violations, and laboratory processes, turned up proof of hidden bank accounts, as well as the endless transferring of funds from one bank to another and from one currency to another. At times, the doping cash fines Aján collected were moved across international borders.

In the end, some of this cash was accounted for, but McLaren's team has determined at least \$10.4 million was not. "Without records, receipts, and paper audit trails, it is absolutely impossible to determine how much of the cash collected was used for legitimate expenses," said McLaren.

Perhaps the most troubling find was that athletes – including gold and silver medalists – who had participated in doping continued to compete because their samples were either neglected outright or not acted upon for up to a year.

McLaren noted that while the COVID-19 pandemic significantly hampered the process of interviewing witnesses and other individuals with first-hand knowledge, a majority of member federation presidents and general secretaries didn't respond when contacted by investigators. Additionally, only one athlete agreed to speak.

Some people "actively

attempted to deceive and frustrate the investigation process," said McLaren.

These allegations, which sparked worldwide concern over the use of performance enhancing drugs (PEDs) in weightlifting, surfaced in a docuseries titled "Der Herr de Heber" – or "Lord of the Lifters". It aired in January on German state-owned television network ARD.

Aján was immediately suspended for 90 days and a new acting president, Ursula Garza Papandrea, was appointed. Aján has denied any wrongdoing but officially resigned from his position in April.

McLaren's first time investigating high-profile misconduct allegations was in 2016 when he was tasked with verifying a Russian whistleblower's claims of cheating and coverups at the 2014 Sochi Olympics. His investigation resulted in the World Anti-Doping Association (WADA) banning Russia from the Olympic Games in Rio de Janeiro later that year.

Since his investigation into the IWF wrapped up, McLaren has been analyzing and providing recommendations on safe sporting models for Canada's Sport Information Resource Centre (SIRC). His findings are expected to result in updates to their Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).



Amanda Fowler



## New supervising lawyer sees bright future for Sport Solution Clinic

BY ASHLEY WISEMAN

**A**manda Fowler is the new supervising lawyer for the Sport Solution Clinic at Western Law, the only clinic of its type in North America.

She has built an impressive career in sports law by representing Olympic, high-performance, and amateur athletes in various sport disputes, including team non-selections, improper carding nominations, and doping infractions – and now she has some big plans for the AthletesCAN-affiliated clinic.

"My goals are to improve the quality of service, increase exposure, and expand services," said Fowler.

She has begun to make these a reality by changing the clinic's structure to allow the supervising lawyer to provide a more hands-on, mentorship-based experience for the program's managers, with hopes it will enrich their opportunities to observe, learn and gain valuable experience.

"We have also begun bringing the clinic onto social media to extend our reach in the athlete community," said Fowler, adding that an increased social media presence will "re-brand the clinic as a modern, up-to-date source of legal information and expertise."

Over the next year, Fowler plans to add contract drafting and reviews, as well as assisting with safe sport issues, to the list of services Sport Solution offers athletes.

"We are building the clinic into one that provides well-rounded services to address our clients' growing list of needs," she explained.

In addition to her work at the clinic, Fowler will be co-teaching a course on sports law at Western Law in the winter of 2021.

## ◆ For Professor Martin Petrin, the future is now

BY SUSANNA EAYRS

Professor Petrin, on leave from University College London, joined Western as the inaugural Dancap Private Equity Chair in Corporate Governance in January. He is jointly appointed to Western's Faculty of Law and the DAN Department of Management and Organizational Studies in the Faculty of Social Sciences.

"The appointment of a scholar of Professor Petrin's calibre to this new position will foster exciting interdisciplinary collaborations between these two faculties," said Western Law Dean Erika Chamberlain. "Professor Petrin brings an ideal combination of legal and business expertise, and his research addresses leading-edge issues in corporate governance."

Professor Petrin has published widely in his research areas, which include corporate governance and business law. Most recently, his research has focused on corporate regulation, corporate theory, the impact of new technologies, and approaches to corporate and managerial liability.

One recent strand of his research has focused on the impact of Artificial Intelligence (AI) on corporate management.

"Recent media reports have created the impression that AI is on the verge of assuming an important role in corporate management," said Petrin, citing a variety of examples, including a Hong Kong-based venture capital firm that claimed to have appointed a machine learning program to its Board of Directors.

"It turned out that while these stories cannot always be taken at face value, AI is clearly of growing importance in management," he said. "It's not an insurmountable step from AI generating and suggesting expert decisions, which is already common today, to AI making these decisions autonomously."

Petrin adds that, as a consequence, "AI has the potential to fundamentally transform core areas of corporate governance, including corporate leadership and management structures, managerial liability, and corporate purpose."

It's even possible that algorithmic and leaderless



*Martin Petrin*

entities will emerge, which operate without any ongoing human input, according to Petrin.

"While this all may sound quite futuristic, highly advanced AI capable of these tasks and roles could be a reality in 20 to 30 years."

In addition to his academic career, Petrin is a consultant, with his recent work including a government-commissioned project on corporate law reform.

"A lot of the developments in corporate law and governance are driven by external shocks, such as corporate scandals, financial crises, and – most recently – the ongoing pandemic," he said. "Corporate governance is a highly dynamic area, with constant changes and attempts at improving the status quo."

"I'm excited to be joining Western during what is, in many aspects, a phase of growth and renewal," Petrin noted. "The chance to work with the outstanding students and faculty from both the DAN Department of Management and Organizational Studies and the Faculty of Law, as well as the opportunity to contribute to the new Management and Legal Studies program, is particularly attractive and exactly the challenge I was looking for."

**"AI has the potential to fundamentally transform core areas of corporate governance, including corporate leadership and management structures, managerial liability, and corporate purpose."**

**Martin Petrin**





Akis Psygkas



## Akis Psygkas joins Western Law

BY SUSANNA EAYRS

Western Law is pleased to announce the appointment of Athanasios (Akis) Psygkas as Associate Professor beginning January 2021.

Psygkas will teach *Constitutional Law*, and along with Professor Wade Wright, lead the Faculty's Public Law Research Group.

"We're delighted to have Akis join the Faculty," said Dean Erika Chamberlain. "He has a very impressive scholarly record, and I know he will make important contributions to our research and teaching in public law."

Psygkas' research explores public participation in policymaking, constitutional development, and public accountability processes.

His latest book, *From the 'Democratic Deficit' to a 'Democratic Surplus': Constructing Administrative Democracy in Europe* (Oxford University Press), was the runner-up for the 2019 *SLSA Theory and History Book Prize*.

His work has appeared in leading journals, including the *University of Toronto Law Journal* and the *Oxford Journal of Legal Studies*.

Psygkas received his LLM and JSD degrees from Yale Law School, where he was a Fulbright Scholar. He also holds an LLB and an LLM in Public Law and Political Science from the Aristotle University of Thessaloniki.

Psygkas was most recently a senior lecturer in public law and politics at the University of Bristol, and has held visiting positions at the University of Toronto (2017-2018), the European University Institute in Florence (Max Weber Fellowship, 2013-2014), and the Institut d'Etudes Politiques (Sciences Po) in Paris (Fox International Fellowship, 2010-2011).

One of his current research projects, titled "The Participatory Democracy Index," proposes a model of thinking about stakeholder engagement in public policymaking beyond Election Day.

## Incoming Faculty

**Bassem Awad** joins Western Law as a visiting associate professor and acting director of the Intellectual Property, Information and Technology area of concentration. His primary research interests are in the area of governance of intellectual property rights in the data-driven economy, with a focus on the impact of disruptive technologies (e.g. Artificial Intelligence, machine learning and big data) on intellectual property and privacy norms.

**Suzanne Chiodo** returns to Western Law as a visiting associate professor after graduating with distinction in 2011. She's currently completing her doctorate in class actions and group litigation at the University of Oxford, where she is the recipient of a SSHRC Doctoral Fellowship, a Canada-UK Foundation Doctoral Studentship, and an Oxford Law Faculty Scholarship.

**Martin Petrin** joins Western as the inaugural Dancap Private Equity Chair in Corporate Governance, jointly appointed to the Faculty of Law and DAN Department of Management and Organizational Studies. He is on special leave from University College London.

**Akis Psygkas** will arrive at Western Law in January, where he will be an associate professor teaching in the area of constitutional law and, along with Professor Wade Wright, will lead the Public Law Research Group.

## Outgoing Faculty

**Roxana Banu** and her family have relocated to London, England where she is now a lecturer at Queen Mary University's School of Law.

**Kate Berger** is now an assistant professor at Osgoode Hall Law School at York University.

**Doug Ferguson** retired from his role as an adjunct professor and the director of Community Legal Services after more than 16 years.

# Faculty Research News

This has been an exciting and fruitful year for research and scholarship at Western Law. Faculty members have secured grants for a wide variety of projects, including analyzing the legal dimensions of public health policies during COVID-19, investigating the relationship between legal education and the idea of the lawyer as public citizen, reconsidering federalism in light of debates about oil and gas pipelines, and exploring the role human emotions play in tort law. Our legal scholarship contributes to our understanding of the idea of the rule of law and is vital for enhancing the development of innovative solutions to emerging societal and global problems.



Professor **Andrew Botterell** was appointed Editor of the *Canadian Journal of Law & Jurisprudence*. The journal is published by Cambridge University Press and is among the top five philosophy of law journals in the world.



Professor **Ryan Liss** won the *Lieber Prize*, which is awarded annually by the Lieber Society on the Law of Armed Conflict, in recognition of "Crimes Against the Sovereign Order: Rethinking International Criminal Justice," published in the *American Journal of International Law*.



Professor **Jacob Shelley** was awarded a *Western Catalyst Grant* for a project exploring the ethical, legal, and policy dimensions of scaling back social distancing and restrictive public health measures for the COVID-19 pandemic.



Dean **Erika Chamberlain** was a co-applicant on a successful *New Frontiers in Research Fund – Exploration Grant*, led by Principal Investigator **Marat Siessarev** at London Health Sciences Centre, for "Exploration of Brain Function at the End of Life: a Multidisciplinary Patient-oriented Approach."



Professor **David Sandomierski** received a *Western Support for SSHRC Success Grant* for "Educating the Lawyer as Citizen." Sandomierski's project builds on his previous work in legal history and research on legal education.



Professors **Jacob Shelley** and **Claire Houston** received a *SSHRC Insight Development Grant* from the Social Sciences and Humanities Research Council (SSHRC) for "Clarifying the Best Interests Standard in Children's Medical Decision Making: Toward a Consistent and Reliable Guide for Practice."



Professor **Zoë Sinel** received an *Insight Grant* for “Just Feelings: A Tort Law Theory of Emotion.” Her project aims to clarify the role that human emotions play in tort law, the legal practice tasked with declaring, delimiting, and enforcing the legitimate bounds of our interactions.



Professor **Zoë Sinel** has been named *Western Law’s Faculty Scholar* for a two-year period that started this July. The award recognizes recent significant achievements in teaching and research during a critical point in a professor’s career.



Professors **Thomas Telfer** and **Alfonso Nocilla** were awarded a *SSHRC Connection Grant* to support a conference to mark the 100th anniversary of the *Bankruptcy Act 1919* – the forerunner of Canada’s modern bankruptcy and insolvency regime – and to formulate reform proposals for the future. The virtual conference will take place May 14-15, 2021.



Professor **Thomas Telfer** was a co-applicant on a successful *Western Support for SSHRC Success Grant*, with Principal Investigator **Paul Minda** in the Faculty of Social Sciences, for “Understanding Psychological Well-Being and Mental Health in Graduate and Professional Students.” Their project will attempt to understand the challenges facing graduate students and how they manage and cope with the stress of graduate school.



Professor **Wade Wright** received a *Western Support for SSHRC Success Grant* for “Neglecting Overlap in Canada’s Federal System.” His project looks at what the contentious debate over interprovincial pipelines, such as the Trans Mountain Pipeline Expansion Project, tells us about the federal system in Canada, with a particular focus on how it might enrich our understanding of overlapping or shared claims of jurisdiction.



Professor **Frankie Young** received the Dean’s Research Fellowship for her project, “Advancing Reconciliation through Legal Reform in Indigenous Economic Development.” The project will assess the strengths and weaknesses of contemporary forms of asset governance in their ability to meet the sui generis needs of Indigenous nations.



Professors **Stephen Pitel**, **Erika Chamberlain**, **Andrew Botterell**, **Jason Neyers** and **Zoë Sinel**, along with **Mitchell McInnes** of the University of Alberta, were awarded a grant to support the preparation and publication of the fourth edition of *Fridman’s The Law of Torts in Canada*, a leading Canadian private law treatise frequently cited by courts in Canada and abroad. The book was published by Thomson Reuters.

## ◆ First PhD candidate graduates from Western Law

BY ERIC FLOCKHART

**S**itting in an undergraduate political science course over a decade ago, Kirsten Stefanik never could have imagined she'd be the first-ever graduate of Western Law's PhD program. But at that time, in a class focused on the use of force in international conflicts, Stefanik was inspired to shape her academic journey in law into one that would make a difference on a global scale.

After a six-year journey at Western Law, which saw her travel halfway around the world to conduct field research, Stefanik became the first to hold a PhD in Law and Transitional Justice from Western in October 2019. Her research focused on the violence against civilians during armed conflict from non-state groups and how, by identifying gaps in existing humanitarian law and developing new substantive rules, civilians could be better protected during these periods of violence.

Stefanik travelled twice to the Democratic Republic of the Congo and Sierra Leone, where she spoke to former victims and combatants of the countries' civil conflicts, seeking to understand the underlying social psychology that results in the 'othering' of civilians by combatant groups.

"I wanted to determine why civilians are targeted in the first place," said Stefanik. "To determine the common behaviours that contribute to the dehumanization of civilians on both sides, and how combatants use these behaviours to mentally justify what they are doing."

The goal of this approach, Stefanik said, was to help shape international humanitarian law by preventing the dehumanization of civilian groups during these conflicts, thus better protecting them from violence.

Stefanik's research efforts earned her the *Governor General's Academic Gold Medal* in 2019, an award recognizing outstanding student achievements by Canadian students. She also received this recognition for her LLM thesis in 2013.



Kirsten Stefanik

As for being the first to complete Western's program, Stefanik notes the support from her supervisors truly fostered her success: "Valerie Oosterveld, Joanna Quinn and Sara Seck were so incredibly helpful throughout my research at Western, and given that I was one of the first to navigate this new program, I couldn't have done it without their constant support."

While academic law isn't a typical pathway, Stefanik was thrilled Western offered an avenue for her to further pursue her passion for research and "unravelling the puzzles of international humanitarian law."

She was also happy to have the opportunity to better the program for future students who will follow the same path.

Today, Stefanik is the Ianni Visiting Fellow at the University of Windsor's Faculty of Law. In the future, Stefanik hopes to continue working within the lens of international humanitarian law, with a goal of one day joining the International Committee of the Red Cross.

**Other PhD candidates to graduate from Western Law this year include Daniel Wilson, Christina Catenacci and Jenny Poon.**



Emily Bazelon and Stephen Coxford



## Emily Bazelon exposes power of prosecutors at the Coxford Lecture

BY SUSANNA EAYRS

**E**mily Bazelon – a prominent American legal journalist – delivered a powerful indictment of the United States’ traditional prosecution model at the 2019 Coxford Lecture.

Bazelon argued “the unchecked powers of prosecutors” have contributed to mass incarceration in the United States.

“We’ve built, in the United States, a giant machine of punishment – in large part because of the decisions our prosecutors make,” said Bazelon.

She ended the lecture on a note of optimism: since prosecutors helped create the problem of mass incarceration, they can also be part of the solution. A wave of reform-minded prosecutors – many of them women

and people of colour – have been elected and will “bring a different lived experience to the job,” as well as offer solutions to a better and more just criminal system.

Bazelon is a lecturer in law, Senior Research Fellow, and the Truman Capote Fellow at Yale Law School. She’s also the author of the best-selling book *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*, upon which the lecture was based, and is a co-host of the popular podcast *The Slate Political Gabfest*.

Each year, the Coxford Lecture brings one of the world’s leading legal thinkers to Western Law to address pressing issues related to the rule of law. The lecture series is generously funded by Western Law alumnus Stephen R. Coxford, LLB’77.

**“We’ve built, in the United States, a giant machine of punishment – in large part because of the decisions our prosecutors make.”**

**Emily Bazelon**



Lina Hernandez

## Creating space for women to make a better world

BY ANGELA MCINNES

PhD candidate Lina Hernandez, LL.M'17, is part of a growing number of scholars shining a light on gender sensitivity of peace agreements throughout the world.

Hernandez was recognized this year as an *Emerging Thought Leader* by Women in International Security, an organization dedicated to advancing the leadership of women in the field of international peace and security.

In her doctoral analysis, "Achieving Equality for Women in Labour and Employment – A Comparative Study of Colombia and Canada," Hernandez examined women and children displaced by conflict created by Colombia's civil war. She focused on how peace agreements between two opposing factions can be used in

international law to help achieve better results for women and victims of war crimes.

"Women continue to be oppressed, especially in war zones where they are actually victims. They are kept out of building peace, building new societies, and then keeping that peace," Hernandez said. "If they're building societies and building legal systems after years of war and women are recognized as a central part of that, it could mean a change of the status quo in women and girls around the world."

While her work is centred on Colombia, Hernandez aspires to advise governments and international organizations on how they can add a gender perspective to legislation and international law.

"If there's a way to change the status quo and bring some peace to the world, then that's my driver."

**"Women continue to be oppressed, especially in war zones where they are actually victims. They are kept out of building peace, building new societies, and then keeping that peace."**

**Lina Hernandez**



James Hutchinson



## Students help break down barriers to justice

BY SUSANNA EAYRS

**C** OVID-19 is making access to justice more difficult for marginalized communities. That reality, coupled with the move of many legal services online, is prompting more Western Law students than ever to step up to meet the need.

“There’s an increased awareness about the lack of access to justice in our marginalized communities, particularly during COVID-19, which has made it more challenging for people to access the services they need,” said second-year law student James Hutchinson, who, with third-year student Sarah Hagarty, is co-ordinating the Western chapter of Pro Bono Students Canada (PBSC).

PBSC has been providing free legal support to people and communities facing barriers to justice since 1996.

This year, the Western chapter with more than 50 law student volunteers is running 23 projects providing free legal services to disadvantaged communities in the London area.

“The response from our students this year has been overwhelming,” said Kimberley Gagan, Western Law’s Director of Clinics and Practical Skills. “It’s heartwarming to see law students engage with community partners to bring access to justice for the most vulnerable members of our community.”

New projects include partnerships with the Noke Kwe No-Fee Cannabis Pardon Clinics,

London Poverty Research Centre, Northwest London Resource Centre, Urban Haven, Community Living London, and the PHSS Community Project.

In partnership with the Northwest London Resource Centre, students will provide information relating to housing law and evictions in the context of COVID-19. They will also give guidance to new immigrants on the criminal justice system.

“The opportunity to gain first-hand experience on issues surrounding access to justice is so critical for students at the early part of their career,” said Hutchinson. “It gives them a chance to see the realities of the justice system, inspiring them to embody a pro bono ethic in their legal career.”

This hands-on approach is at work at the Cannabis Pardon Clinics, where students meet with clients and support them through the process of applying for a pardon. It’s also at work through the N’Amerind Friendship Centre’s Gladue Writing Program, where student volunteers help draft and write reports for Indigenous peoples facing court proceedings.

In addition to the 23 projects, PBSC students work with three community-based legal clinics in the region: Neighbourhood Legal Services (London & Middlesex), Huron Perth Community Legal Clinic and Elgin Oxford Legal Clinic.

“We’re here to help individuals in our community facing barriers, and that help is needed now more than ever,” said Hutchinson.

“The opportunity to gain first-hand experience on issues surrounding access to justice is so critical for students at the early part of their career. It gives them a chance to see the realities of the justice system, inspiring them to embody a pro bono ethic in their legal career.”

James Hutchinson

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## Candidate embraces virtual PhD defence



*Daniel Wilson*

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**“I no longer got as much fulfillment in growing and developing new businesses, but I found that teaching and transferring knowledge to the next generation of business leaders and lawyers was even more energizing and rewarding.”**

**Daniel Wilson**

BY ERIC FLOCKHART

**F**or a man whose nearly 30-year career in business and law could only be described as remarkable, it's perhaps only fitting Daniel Wilson was faced with unique circumstances when it came to defending his doctoral thesis.

Early this year, as Wilson began to piece together the final elements of his thesis, a live defence date was set for March 31. Then COVID-19 reached Canadian shores.

As institutions and businesses shuttered, it was determined Wilson's defence couldn't take place — at least not as originally planned. Fortunately for Wilson, a career of vast experience and constant change had him well prepared to meet the challenge that was to come.

Raised in a small Alberta farm town, Wilson graduated law school from the University of Alberta at 22. He quickly found himself in a relatively unfamiliar position for a fresh graduate — at the Supreme Court of Canada, clerking for Justice Gérard La Forest. Under La Forest, Wilson said he gained the confidence and experience he needed to become successful in his career.

Following his year at the Supreme Court, Wilson dove into corporate law, initially focusing on securities and transactional law, before then specializing in start-up and growth companies. Eventually corporate law began to feel restrictive, so Wilson changed paths, moving into various business executive roles with technology companies based in Toronto, Bermuda and Houston.

Then his growing family became a greater priority, and not long after that Wilson discovered his passions had changed. “I no longer got as much fulfillment in growing and developing new businesses,” he said. “But I found that teaching and transferring knowledge to the next generation of business leaders and lawyers was even more energizing and rewarding.”

Wilson completed his LLM at the University of Calgary in 2017. A PhD became the logical next and final step. Wilson said he specifically sought two criteria in searching for a program and that Western Law quickly became the obvious choice.

“I was looking for a program that, first and foremost, had a high level of corporate expertise, and second, would be willing to show some flexibility to my stage in life, as I didn't want to pack up and physically move my family from Alberta.”

Wilson credits the presence of Western Law Professor Christopher Nicholls, one of the top corporate minds in the country, as a significant



reason for his decision to begin his PhD at Western.

Wilson's research focused on understanding the phenomenon of public company decline in Canada. Alongside his advisory team consisting of Nicholls, Jacob Shelley and Matt Thompson, Wilson oversaw a six-month empirical study of more than 400 Canadian C-suite executives to determine the contributing factors to this decline.

"It's something that's been widely recognized as happening, and there's many theories as to why, but no one had done any empirical work to understand what was contributing to this phenomenon," said Wilson.

His work determined there are many contributing factors, and no single policy intervention or regulatory change can be expected to reverse the tide of public company decline. Of course, he'd have to defend that conclusion.

Fast forward to two weeks before his defence was scheduled to take place and it was postponed — indefinitely, at first — as the pandemic grew more threatening in Southwestern Ontario. As the University worked to develop plans to save the academic year, Wilson's defence date was reinstated just three days after it was postponed. But now he would defend virtually — one of the first instances of a virtual defence at Western.

The postponement was "very deflating at first," said Wilson. "I wasn't sure how long I would have to wait. I was worried it could be months due to COVID-19. And then, as quickly as it was postponed, it was back on as a virtual defence. It seemed to be an opportunity for the University to see if a virtual defence could work, and it was a tremendous relief for me. I'm extremely grateful to Western Law for making the defence work in the virtual environment."

Wilson said defending from home was beneficial for him because he was comfortable in his surroundings and the examiners appeared less intimidating through a screen than they might have in person.

But the best part? Nobody could tell he was wearing an old pair of basketball shorts and flip-flops.

Wilson does, however, admit that once in-person defences are an option again, he'd recommend candidates go that route purely to be able to shake the hand of their advisor at the end.

"Online is great," said Wilson. "But it can't replace those personal touches that are meaningful to me."

Not surprisingly, Wilson was awarded his PhD in June. Today, Wilson is an Assistant Professor at MacEwan University in Edmonton, where he's fulfilling his passion for educating future leaders in business and law — virtually, for now, of course.



*Kimberley Gagan*



## **Kimberley Gagan appointed Director of Clinics and Practical Skills**

BY ASHLEY WISEMAN

**W**estern Law is pleased to announce that Kimberley Gagan has joined the Faculty as Director of Clinics and Practical Skills.

"I am very pleased to be taking on this role at Western Law. It is great to be returning to London, which is my hometown, and to be joining such a prestigious faculty," said Gagan. "I firmly believe that clinical and experiential learning is the cornerstone of a premier legal education."

Gagan, a practicing lawyer for more than 20 years, joins Western Law from the Faculty of Law at Lakehead University, where she was the director of their Community Legal Services. Before taking on that role, she developed and launched Lakehead's Student Legal Aid Clinic and was an adjunct professor in the provision of clinic courses at Lakehead.

"When choosing a law school, students often look for a

program with integrated skills-based learning opportunities. Similarly, employers seek out students who have participated in clinical programs and skills-based exercises," said Gagan. "Western has a fantastic array of clinical programs already in place, and I look forward to enhancing and expanding these experiences for students."

The role of Director of Clinics and Practical Skills is new at Western Law. It is meant to provide strategic leadership for a wide range of experiential and skills-based learning opportunities.

"I am delighted that Kimberley is taking on this new role," said Dean Erika Chamberlain. "She brings a wealth of experience in the integration of practical skills into the broader law school curriculum."

Gagan received her Hons. BA in English and Philosophy from Huron University College at Western in 1992. She then went on to obtain her LLB from Queen's University in 1995.

“We are in the middle of a national conversation about anti-Black and anti-Indigenous racism in policing, and we cannot let it go silent. This project will help uncover hidden racial profiling that must no longer go unnoticed.”

**Sunil Gurmukh**



## 🔍 Influential human rights lawyer partnering with Western Law to conduct Hidden Racial Profiling Project

**I**nfluential human rights lawyer Sunil Gurmukh, LLB'08, has been appointed an adjunct research professor at Western Law and will be partnering with the Faculty to conduct the Hidden Racial Profiling Project in the coming academic year.

Gurmukh, also Counsel at the Ontario Human Rights Commission (OHRC), is expanding academic scholarship on police racial profiling by supporting the OHRC in its ongoing inquiry into

racial profiling and discrimination against Black people by the Toronto Police.

He has also litigated cases, delivered public education sessions to Black youth, published articles, written reports and submissions, and most importantly, learned from lived experience about racial profiling.

With the assistance of student researchers, Gurmukh will carry out a study that examines major municipal



Sunil Gurmukh (Photo by Ian Patterson)

police services in Canada – a process that involves rigorous case law, as well as research and interaction with criminal defence lawyers and accused persons.

“We are in the middle of a national conversation about anti-Black and anti-Indigenous racism in policing, and we cannot let it go silent. This project will help uncover hidden racial profiling that must no

longer go unnoticed,” said Gurmukh.

Canadian Lawyer selected Gurmukh as one of the *25 Most Influential Lawyers in 2019* for his work on racial profiling and discrimination. He also recently taught an intensive course on the matter at Western Law.

Additionally, Gurmukh has worked on significant cases at the Human Rights Tribunal of Ontario and all levels of court,

including the Supreme Court of Canada.

“The Hidden Racial Profiling Project will give our students the opportunity to investigate the prevalence of racial profiling in recent criminal cases and to perform important research with a national impact,” said Dean Erika Chamberlain. “They will also have the opportunity to be mentored by Sunil, who is a true leader in the field.”

A portrait of Minister Christine Elliott, a woman with long, wavy blonde hair, smiling. She is wearing a dark blue blazer with white stripes on the collar and gold buttons. The background is a stone building with a window.

10 Questions  
*with* Minister  
Christine Elliott

*Interview by Ashley Wiseman*

**Christine Elliott, LLB'78, is Ontario's Deputy Premier and Minister of Health, and the MPP for Newmarket-Aurora. We caught up with her this summer to talk about what her life has been like since COVID-19 was declared a global pandemic.**

**1. How has your day-to-day role changed since the start of the pandemic?**

It's changed significantly [laughs].

I was dealing with many different issues beforehand, but now it's all about COVID-19; about expanding testing capacity and case and contact management, bolstering our inventory of personal protective equipment, maintaining strong public health measures and so on.

It's also changed in the sense that I no longer have in-person meetings with my constituents in Newmarket-Aurora or with cabinet or caucus right now. We're having Question Period several days a week, and I've been doing almost daily press conferences with the Premier on COVID-19-related matters.

**2. What has the biggest challenge been?**

There's been many, but I'd say scaling up all aspects of our health-care system to deal with a health crisis the size of which Ontario has never seen.

We're continuously working to increase our capacity so we can quickly identify, manage, and prevent COVID-19 outbreaks. We've already increased our testing capacity by tenfold. The province continues to lead the country in both the number of tests completed and daily testing capacity.

Finding personal protective equipment alongside almost every other country in the world was also a huge challenge at the start. And, of course, ensuring hospitals have the necessary capacity in case we have a surge of cases.



### 3. What has been your proudest or most exciting moment?

I'm very proud we started to undergo a transformation in health-care before COVID-19 struck. We created one single health agency – Ontario Health – to oversee health-care delivery, improve clinical guidance, and provide support for providers to ensure better quality care for patients.

This allows us to move quickly and comprehensively across the province, acting sooner than we might have otherwise been able to.

Through the Ontario Health team model, patients, families and caregivers will experience easier transitions, for example, from one provider to another and between hospitals and home care providers. There will be one patient story, one patient record, and one care plan.

### 4. What long-term changes do you foresee resulting from this? Have there been any silver linings?

I would say that we're never going to look at dealing with health issues in Ontario the same way again. It's been a huge challenge, of course, but also a huge opportunity.

We're going to continue advancing our Ontario Health teams, which have proven to be very dexterous in dealing with COVID-19 in their local areas, advancing technology, adding more virtual care options when it comes to seeing your primary care physician, and implementing a new system that will allow people to access their own health records.

Prior to COVID-19, we had also set aside \$12 million under our *Roadmap to Wellness*. This is our plan to build Ontario's mental health and addictions system, which covers online access to qualified therapists. We're going to continue with this because it allows people who need help to get it more quickly.

### 5. How are you navigating the relationships with your different stakeholders during a time with so many competing demands?

With regards to my constituents in Newmarket-Aurora, the people at my office have been fantastic. They've been actively speaking with them over the phone, as well as liaising with the municipalities themselves and great community organizations like the Chamber of Commerce. It's reminded me that working collaboratively is vitally important for getting things done.

In terms of my usual health-care stakeholders, I'm having fewer meetings with them than I did before, but we're still constantly in touch on policy issues. Some of them have also had potential solutions to many of the problems we're encountering with the pandemic.

### 6. Personally speaking, what is the one thing you've missed the most since COVID-19 began?

Not being able to see my family and friends, partially because I've been working, but also because we need to follow the necessary public health guidelines we know work and keep us safe.



## 7. What made you decide to transition from law into politics?

It was really my time volunteering in the community. When I was living in Whitby, I was on the Board of Directors of a children's treatment centre for those with special needs, as well as for a community mental health organization. I was also one of the original directors on the board for the Abilities Centre in Whitby, which is a centre for people of all ages who rely on specially adapted equipment and so on.

I started to see gaps in care where people weren't receiving the help they needed and that was really motivating. I couldn't just sit on the sidelines and complain, so I decided to do something about it.

## 8. What is your favourite memory of your time at Western Law?

Making great new friends in first-year, including my best friend. She's still my best friend 42 years after our graduation. And, of course, I also remember what I learned in law school. It taught me a way of critical thought and analysis that's been very valuable to me personally and professionally.

## 9. What are the top three things on your bucket list?

Professionally, I really want to continue to help navigate Ontario into a safe and healthy province post-COVID-19. We're going in the right direction, but there's still more work to do.

Personally, I would say I need to establish a better exercise routine. I'm clearly not doing my 10,000 steps per day right

now, so I need to get back into doing that. I'd also like to finish the cottage I built with my sons so I can eventually spend a little quiet time there with family and friends.

## 10. What advice would you give new law graduates?

Be bold, follow your dreams and never give up. This is the time to follow your passions. You're young and don't want to reach an age where you look back and say you wish you had done something else or something that was really, really important to you. Will everything work out the way you want it to? No. But what's important is that you just get back on your feet and keep going.

## BONUS: If you had to be stuck in an elevator with someone, who would it be and why?

Well, hopefully someone that doesn't have COVID-19, that's for sure [laughs].

But in normal times, I'd say a psychiatrist or psychologist so I could talk to them about their knowledge and experience with mental health. I'm very honoured to have the responsibility of being Minister of Health and know this would enhance my ability to form effective mental health policies.

# COVID AND THE COURTS

BY ASHLEY WISEMAN

“  
THE SUSPENSION OF  
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IN-PERSON OPERATIONS  
HAS HAD, AND WILL  
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Geoffrey Morawetz

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**G**eoffrey Morawetz, LLB’78, is used to making tough decisions.

As the Chief Justice of the Superior Court of Justice of Ontario, he is responsible for a variety of tasks – from directing and supervising court sittings and assigning judicial duties, to liaising with the provincial and federal governments, and protecting the court’s institutional autonomy.

But little did he know, the toughest decision of his career was yet to come.

On March 11, COVID-19 was declared a global pandemic by the World Health Organization. Morawetz, along with the other Chief Justices and the Attorney General, had been spending the weeks leading up to the declaration considering what COVID-19’s arrival in Canada would mean for the courts.

They realized that, while only a mere 40 cases had been reported in Ontario at the time, the virus’ potential grip on our nation was imminent and they would need to act swiftly to keep the court system functioning.

“I recognized that the court, as the third independent branch of the government, has a constitutional obligation to provide access to justice,” said Morawetz. “But I also control the schedule of the court, and I could not in good conscience, compel people to attend court appearances if it would put their health and safety at risk, or potentially contribute to community spread of the virus.”

And with that, they notified their stakeholders that for the first time in its history, the court’s matters would be moved almost entirely online effective March 17 – less than a week after the pandemic was declared.

“It was the most difficult decision of my career,” said Morawetz, adding that while they never closed, “the suspension of the court’s regular in-person operations has had, and will continue to have, implications for many years to come.”

Morawetz went from spending his days hearing cases and leading meetings on priority initiatives – like modernizing the court, expanding the Unified Family Courts, and advocating for important resources

– to participating in daily emergency management meetings with the Associate Chief Justice, Justice Michael Brown, and the Office of the Chief Justice’s executive staff.

“Our single objective was to find any possible means to continue to provide access to justice in the face of the pandemic,” said Morawetz.

He credits his strong relationship with the Attorney General and other Chief Justices for the courts’ ability to undertake such a historic transition as rapidly as they did, admitting it would not otherwise have been possible.

Morawetz said the biggest obstacle to propelling the courts online was “juggling the many issues and interests that must be considered, like the needs of litigants – particularly children, victims of domestic violence, and individuals accused of committing a crime – to access timely justice; the ability of judges, lawyers and court staff to quickly transition to a virtual work environment; and the capacity of the government bureaucracies to be nimble in the face of an emergency, even with strong leaders at the helm,” noting these considerations were conflicting at times.

Thankfully, with a good challenge often comes a great silver lining: the court finally catching up to the private sector, and perhaps most importantly, with what Morawetz said the public expects of a “modern, efficient and responsive justice system.”

Looking to the future, Morawetz acknowledges the courts will operate much differently.

“We will continue to rely on in-writing motions, more virtual hearings, and new technologies that will enable the court to deliver timely and effective justice services,” said Morawetz. “The paper-based process will not return.”

He is especially looking forward to the implementation of CaseLines – a cloud-based platform that will allow electronic documents to be submitted to the court before hearings.

“There has been great progress made since March, and I look forward to participating in the implementation of further improvements in the months ahead.”





# Advocating in the (post-)COVID courtroom

BY JACOB DAMSTRA, JD'15

**C**COVID-19 and the “new normal” has created fundamental shifts in our society and profession.

As physical distancing, isolation and lockdown became commonplace, and the delivery of many services ground to a halt, access to justice and dispute resolution — a core pillar of our free and democratic society founded on the rule of law — needed to feel its way forward.

How we deliver legal services and assist clients navigating the justice system in our courts has changed abruptly and significantly. Based on conversations with the Attorney General for Ontario, trial and appellate judges, and members of the bar from the most senior (like the eminent Earl Cherniak, QC, a friend and mentor still practicing at 84) to the fledgling (like my 2L summer student mentees), it's clear some of these changes will be permanent.

There's no going “back to normal” for our justice system, and, in my view, this presents a generative opportunity. Gone should be the days where insistence on personal attendance at our courts is the best or only way to litigate and advocate for our clients' interests.

While some modernization was already occurring, COVID-19 forced the urgent adoption — if not full embrace — of the stark reality that we need to take more seriously the opportunity technology gives us to improve access to justice and to provide legal services more efficiently.

Consider the efficiency and economy we can offer our clients in this brave new world of e-filing and virtual advocacy. In the past five months, I've sought and received leave to appeal in writing, which normally would have involved an in-person hearing; argued one appeal in writing and one by video conference; participated in case conferences, mediations and discoveries with litigants, counsel and judges from all over the province; brought, argued and received judgment on an urgent application; argued multiple tribunal/board hearings



JACOB DAMSTRA

by telephone; and scheduled various other motions to be dealt with virtually or in writing — all from the comfort (and sometimes chaos, with my four sons running around) — of my own home and without printing a single piece of paper. And I know many others have done far more advocacy in this virtual “COVID courtroom”.

Though my sample size is small, the lessons learned are significant. Besides the efficiency and economy of foregoing the time and expense of travel and accommodations to attend court, virtual advocacy has allowed us to advance legal education for summer and articling students, as well as young

advocates, by increasing our ability to log on or call in to observe various proceedings.

Perhaps more importantly, engaging with clients through the convenience of telephone or video conference hearings allows them to appreciate how the inputs of written and oral argument lead to the court's decision.

While not every case can or should be argued in writing, over the phone or by videoconference, I'm optimistic the lessons learned and experience gained can be carried forward post-pandemic to continue to ensure the just, most expeditious and least expensive determination of every proceeding in which we advocate.

# Did COVID-19 fix a broken legal industry?

BY AARON BAER, JD'13

I think we'd all agree that COVID-19 is terrible. It's led to hundreds of thousands of deaths, adverse financial implications for millions, and an epidemic of loneliness and isolation. Even for the most fortunate of us, our lives have been disrupted in ways we could never have imagined.

I feel for the students graduating from universities and trying to enter the workforce, the people struggling to find work, and those who are experiencing declining mental health. I feel for the parents trying to do the impossible of working full-time from home while being a full-time parent and educator.

There's no doubt I'm writing from a position of privilege here, which I suspect many lawyers find themselves in.

There's something that doesn't get talked about – other than in hushed voices. And it's for a good reason because you don't usually make friends by talking about the positives when others are suffering immensely.

But I think we need to just say it: the legal industry is broken.

There's a massive access to justice crisis, and rampant inefficiencies in the way legal work is done and how the courts operate. It's not a surprise given the legal community is a self-governing body whose primary function, some would argue, is to protect its monopoly on the provision of legal services.

Yes, COVID-19 is terrible, and I wish it never happened, but there's much to be grateful for, including many in the profession being dragged – perhaps against their will – into the 21st century.

In April, Ontario Attorney General Doug Downey said, "We've modernized the justice system 25 years in 25 days." Apparently, there's a reason they say necessity is the mother of invention. Suddenly, lawyers can e-file documents, scheduling court and uncontested motions no longer require hours of wasted time and client money, the need for original signatures on legal size



AARON BAER

paper has gone away, and I can commission documents for clients remotely.

The reason I care about this is simple: it's not just that this makes my job easier. It's that it's all in the public's interest. After all, I like to believe that most of us went into this profession to help clients. And it's a sad state of the industry when most Canadians (both individuals and businesses) can't afford a lawyer.

The societal changes erupting from

COVID-19 have opened up so many opportunities for lawyers to make the legal profession more client-friendly. That's really exciting – and I've never been more optimistic about what we might see in the next few years. But as I see many lawyers rushing back to the office and clamouring to get back to normal (whatever that means), I have to wonder whether we'll end up letting a good crisis go to waste.

What a shame that would be.

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# Helping low-income clients in a newly tech-driven court system



OMAR HA-REDEYE

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## BY OMAR HA-REDEYE, JD'10

I came to Western Law in 2007 with absolutely no background in law. I had no lawyers in my family and didn't know any at all before applying to law school.

Gaining practical experience in law was, therefore, very much of a priority for me, which is why I decided to get involved with Community Legal Services. This was my first

clinical experience in law, but it would turn out not to be my last.

After several years of successfully operating an independent access to justice practice, I became the executive director at the Durham Community Legal Clinic (DCLC) last fall.

DCLC provides free legal services to low-income residents of Durham Region, a large area east of Toronto. The population is quite

diverse, with some parts resembling more of the large city and others being rural and disperse.

This move was invariably going to involve some transition, but I didn't anticipate that just six months later that transition would be compounded by the arrival of a global pandemic.

Thankfully, because of the experience I gained at CLS and in private practice –

combined with the experience the DCLC team has accumulated over the clinic's 35 years in business – we were able to innovate quickly to ensure our low-income clients weren't left behind.

It was an opportunity to reconsider how we do things, and to imagine how we can provide a better experience for those who turn to us in stressful and scary times.

One of the ways we innovated was by transforming our boardroom into a virtual hearing space clients could use to appear before the courts and tribunals if they didn't have access to their own computer or smartphone and a fast, reliable internet connection.

We also adopted new platforms that utilize Artificial Intelligence and increase our efficiency. While this type of technology is frequently used by businesses to increase profit margins, our motivation was very different. It helped us provide better legal services, and the better the legal services we provide, the bigger the impact we have on reducing poverty.

The effects of the pandemic have had, and continue to have, devastating impacts on many individuals living in the region. Many have lost their jobs, found themselves struggling with anxiety, depression and substance abuse, or become homeless due to changes in tenancy legislation implemented by the province during the pandemic.

These systemic impacts have also demanded greater involvement in our political processes. We recognize that when we push for greater inclusion, more affordable housing and a better society for our clients, everyone in Ontario benefits from these efforts. Fortunately, technology is making our meetings with politicians and appearances before the legislature easier, resulting in a level of political engagement far surpassing what we were able to achieve before.

While the end of the pandemic may not yet be in sight, one thing is crystal clear: many of our clients now rely on us more than ever, and we'll continue to do whatever we can to see them through the other side.

*“We recognize that when we push for greater inclusion, more affordable housing and a better society for our clients, everyone in Ontario benefits from these efforts.”*

**OMAR HA-REDEYE**

## **Navigating access to justice during COVID-19**

The impact of this pandemic has been extraordinary for both Community Legal Services (CLS) and our clients.

It has been particularly difficult to navigate the delivery of legal services to low-income and marginalized people living in our city, as many people living in poverty cannot afford access to home computers or smartphones and the Internet. Many rely on public Wi-Fi and computer providers like libraries to access their email, and these access points have decreased with the closure of so many amenities in our city.

Many people have been unable to pay rent during the height of the pandemic and now face potential eviction. They cannot afford minutes for their phone to attend audio hearings at the Landlord/Tenant Tribunal, even though failure to “attend” such hearings will most certainly result in a ruling against their interests.

These are the challenges our clients have struggled with throughout the last eight months. Although CLS has embraced the implementation of different technologies, this bold move into the “future” of legal services leaves many of our clients in an even deeper divide than they were before the pandemic.

I'm proud to say that in the face of all these challenges, our staff, students and review counsel have risen to the challenge and embraced creative solutions in service delivery. They have been given a front row seat to just how much more vulnerable this pandemic has made our clients, as well as how important it is to continue to work to bridge the gaps they face.

– **Kimberley Gagan,**  
Director of Clinics and Practical Skills at Western Law

# Common law in a pandemic: Spanish flu of 1918

BY JORDAN WAJS, LLB/HBA'18

**A**lthough it may seem unprecedented, COVID-19 is not the first global pandemic to disrupt modern society as we know it. The Spanish flu pandemic of 1918 to 1920 infected about one-third of the global population and interfered significantly with the daily functioning of individuals and businesses.

In response, courts in common law jurisdictions around the world were asked to consider how the pandemic should affect parties' rights and obligations. In the coming years, it is highly likely those same courts will be faced with a similar challenge. How the common law will evolve in response to COVID-19 may be informed by how it evolved in similar circumstances a century ago. In this regard, several otherwise unexceptional historical decisions can take on a new and immediate significance. The following are a few of those decisions:

## **Frustration of contract caused by a pandemic**

A pandemic can make it difficult or impossible for a party to perform its contractual obligations. In *Cunningham v. Insinger*, [1924] S.C.R. 8, a decision of the Supreme Court of Canada, the respondent claimed that it was unable to develop a mine due in part to the effect of the Spanish flu on available manpower. Interestingly, however, the crux of the respondent's position was based on its unique interpretation of the contract rather than via the doctrine of frustration.

What may have driven the respondent's curious decision was the fact that during negotiations, the respondent had expressly mentioned the possible impact of the

Spanish flu on the development work. This would, in effect, almost certainly have negated the possibility of making a successful argument for frustration of contract. According to *Cowie v. Great Blue Heron Charity Casino* 2011 ONSC 6357 at paras 21-22, in order to successfully invoke the doctrine, a party must establish, among other things, that an *unforeseen* intervening event made performance of the contract impossible. Although nearly a century has elapsed, this principle remains relevant in the wake of COVID-19: Parties should consider whether they foresaw the possible impact of a pandemic on performance of a contract before taking the position that the contract was frustrated.

## **Force majeure clauses**

Alternatively, a pandemic may trigger a *force majeure* clause in a contract, delaying performance of an obligation or relieving a party of an obligation altogether. In a 1920 decision of the Court of Appeal of California, *Citrus Soap Co. v. Peet Bros. Mfg. Co.* (1920) 50 Cal. App. 246, 194 P. 715, the quarantine protocols implemented by the California legislature in response to the Spanish flu interrupted a soap maker's manufacturing processes and delayed the delivery of its soap to a customer past a deadline. The customer

sued the soap maker for breach of contract.

However, the parties' contract contained a "contingency of delay in performance" clause (akin to a *force majeure* clause) that read as follows:

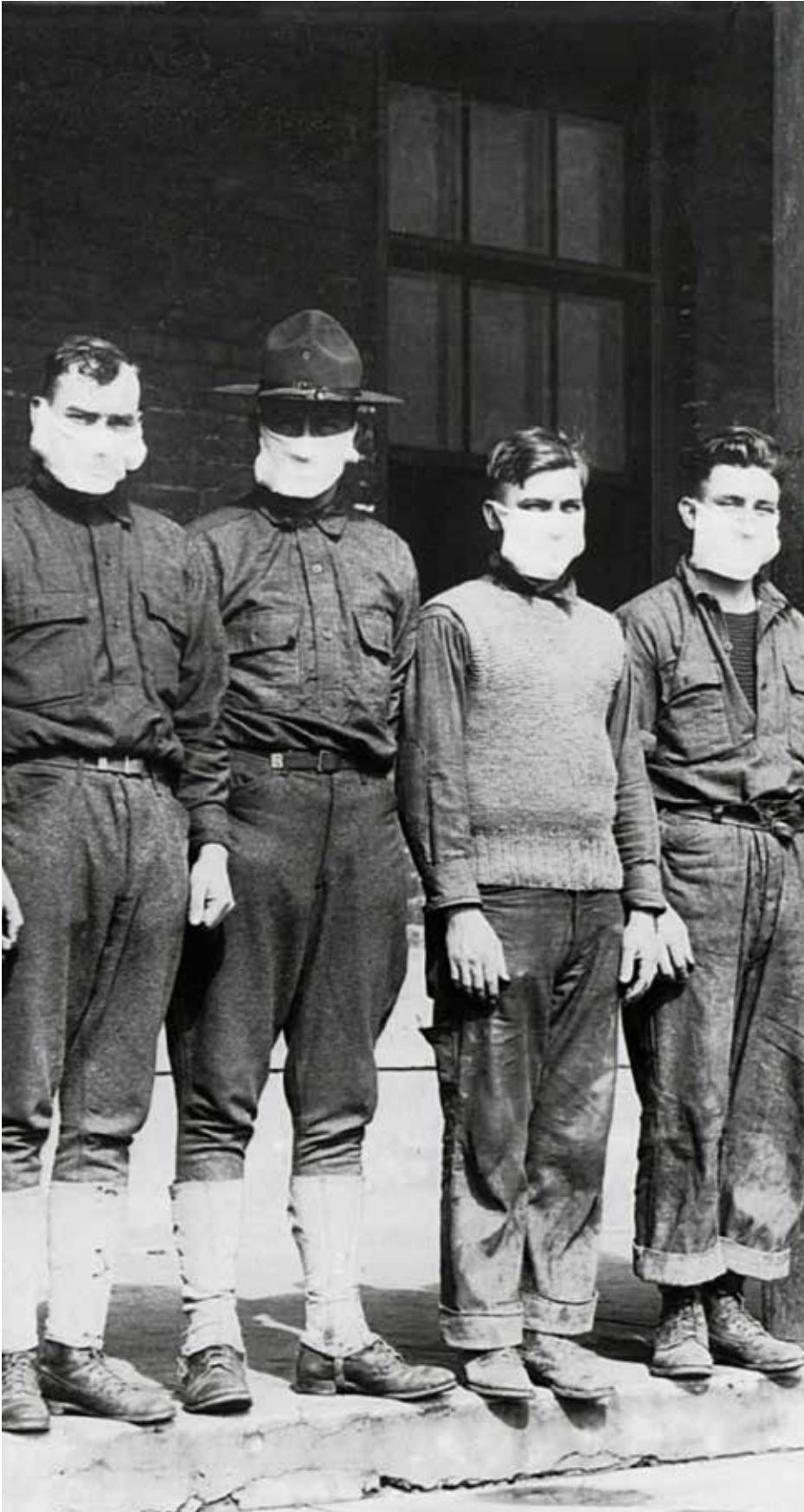
"This contract is made subject to ... any interference in plant by reason of which either buyers or sellers are prevented from producing, delivering or receiving the goods, and in such event the delivery thus suspended is to be made after such disabilities have been removed; otherwise to be fulfilled in good faith."

The court held in favour of the soap maker, concluding that the clause permitted the soap maker to deliver the balance of the soap within a reasonable period of time after the original deadline.

Although *force majeure* clauses are common in commercial agreements today, they may not necessarily ensure a party is protected from the effects of COVID-19. This is because each clause is interpreted on a case-by-case basis, and not every clause is as curiously broad as the one in the soap maker's contract. Most parties' commercial agreements do not excuse parties from *any* interference in their processes. Rather, it is far more common for a contract to specifically identify certain intervening events (war, riots, natural disasters, diseases, etc.) which fall within the scope of the *force majeure* clause. Accordingly, even though the effect of COVID-19 on contemporary businesses may be far greater than the Spanish flu was on businesses of the early 20th century, some future litigants may fail to obtain the relief of the fortunate soap maker.

## **Mitigation of damages after a breach of contract**

Finally, in the likely event that COVID-19 will cause breaches of contracts, non-breaching parties will be held to have owed a duty to mitigate their damages. In another 1920 decision, *A.G. Creelman Co. v. Canada Cement Co.*, [1920] A.J. No. 38, a non-breaching party was held not to have



adequately mitigated damages during the ravages of the Spanish flu.

Some of the non-breaching party's conduct can certainly be criticized today: most notably, after its supplier breached the contract by supplying defective cement, it failed to request that the supplier provide replacement cement (which the supplier could have done immediately). In contrast, however, part of the non-breaching party's conduct was attributable to the Spanish flu, with which its principal and several of its workers were afflicted. The court was not sympathetic to the non-breaching party in this regard, holding that the non-breaching party ought to have done more to mitigate damages notwithstanding the pandemic.

The duty to mitigate — still an important element of the law a century later — requires a non-breaching party to conduct themselves “reasonably” in minimizing their damages. If, however, mitigating damages would expose employees to the disease, public policy concerns may dictate that such mitigation efforts should not be considered “reasonable” conduct and that they should certainly not be encouraged. Without the benefit of hindsight, it is difficult to determine what is and is not reasonable to do during any given stage of a pandemic. Ideally, the courts will take this into account when assessing whether parties discharged the duty to mitigate during the COVID-19 crisis and will not consider conscientious risk aversion to have been unreasonable.

### **Conclusion**

Although much has changed since the Spanish flu pandemic, the common law that evolved in response to it remains relevant today. These cases, and those decided in other historical crises (such as world wars and natural disasters), offer foresight into the issues that will be litigated in the near future, and may themselves serve as important precedent to be referred to and distinguished from in response to COVID-19.

*This article originally appeared in The Lawyer's Daily on May 1, 2020.*

# A silver lining in this year of the pandemic

BY LEILA RAFI, LLB'06

**F**or me, the pandemic started just over a week before the New Year.

It was on March 11, 2020, that the World Health Organization declared COVID-19 a global pandemic. And yes, my New Year — the Persian New Year, called Nowruz — started eight days



LEILA RAFI

later, with the arrival of spring.

Nowruz is heralded by the first moment of spring, which occurred on March 19 at 11:49 p.m.

this year. (It usually occurs between March 19 and 21.) In addition to marking the

beginning of spring in the Northern Hemisphere, this moment also marks the first day of the first month of Iranian calendars.

Nowruz, a secular holiday, is celebrated annually by a large array of people living both inside and outside of Iran. It is a joyous occasion when people gather together, and young people call and visit their elders. My parents and I celebrate it each year and, on occasion, have travelled to the U.S. to spend it with extended family.

I always laugh on Nowruz because every year, without fail and irrespective of me explaining the holiday to friends who do not share the same culture, most people send a “Happy New Year” text or email at midnight, though the time of Nowruz changes each year as it mirrors the first moment of spring. It is a challenge to wrap your head around New Year not being at the stroke of midnight!

Those who observe Nowruz engage in certain traditions, including setting up a table with seven things that begin with the letter “S” in Farsi (the Persian language), and include vinegar, apple, garlic, sumac and sabze (which is wheat, barley, mung bean or lentil sprouts grown in a dish). The table on which such items are placed may also include a mirror, painted eggs, goldfish and other items that typically signify the future, light and life. It is a beautiful sight to take in, and each

Haft-sin – which is the word for the arrangement on the table – is lovely and unique in its own way. More importantly, each Haft-sin carries the memories and traditions of the family whose home it sits in.

My parents and I usually eat fish on the eve of Nowruz and discuss the happenings of the year that is coming to an end. A few days before Nowruz, some people light fires and jump over them, leaving the difficulties of the year that is ending behind them in quite a literal sense. Although I’ve always been intrigued by this, I have never actually done it myself. On the eve of Nowruz, my parents and I always share hope for the future (which we need a lot of this year). During the year before this one officially started in March, my father’s sister died of a freak accident, and my cousin’s wife (who has three children under five) was diagnosed with breast cancer. These unexpected and unwelcome events jarred my parents, our extended families and me. Each of us had to face how fleeting life can be (some of us for the second or third time based on our histories).

Earlier this year, in what it claimed was a mistake, Iran shot down a civilian plane on its way from Tehran to the Ukraine amid political conflict following the killing of Gen. Qassem Soleimani by the U.S. government. A total of 176 victims perished in the crash, including 57 Canadians, many of whom were graduate students in various parts of this country. (Four of the victims were studying at Western.)

This represented another unexpected devastation, and though we had no personal ties to anyone on the flight, the severity of the tragedy and the political wrangling, and the loss of potential, was very deeply felt by my family, as it was by all Persians around the world — many of whom were displaced by the Iranian Revolution. Add to the foregoing the insanity of the COVID-19 pandemic in the past few months and we arrive at an unprecedented time.

On Nowruz earlier this year, and many times since Nowruz, I talked with my parents about their vivid memories of fleeing Iran during the beginning of the revolution, when I was five months old. Never did they think they would witness another crisis on such a grand scale,

*“As a result of COVID-19, I have been able to connect with my parents on an entirely new level and gain a better grasp of my own beginnings and heritage.”*

LEILA RAFI





LEILA RAFI WITH HER PARENTS ALI AND FARAH RAFI

where there seemed to be a loss of normal life as we have come to know it.

The COVID-19 pandemic lacks the violence and political instability they witnessed in Iran, but the sense of impending doom, misery and lives being lost is familiar to them, and was unknown to me until very recently.

Through these trying times, we see the best and the worst of the human spirit and also witness firsthand the importance of social connection (as we sit in various stages of physical isolation).

As a result of COVID-19, I have been able to connect with my parents on an entirely new level and gain a better grasp of my own beginnings and heritage. Before Nowruz, I had never engaged in detailed discussions with my parents about the Iranian Revolution, nor did I fully grasp their feelings about having fled their homeland (and everything they built) with an infant and no final destination at the time. They've

recently told me about a bank being torched beside the hospital the day I was born (all types of buildings were torched during the unrest at that time), and desperate searches for formula and diapers before they were able to flee the country.

These stories of essential products disappearing off store racks sounded eerily similar to the hoarding of toilet paper and yeast that has occurred during the pandemic, notwithstanding that grocery stores and other food service providers have generally kept up with the excessive demands. People panic when there is uncertainty.

There are some silver linings to the pandemic. In recent months I've been cooking all kinds of Persian dishes. My mom has an old recipe book in Farsi and I have a new one called *Bottom of the Pot* (I've mastered Tahdig), and we have been working our way through them with me making English notes in mine, as I can't read Farsi. The time I have been spending with my

parents is time I will relish forever because we are truly a team. I feel ever so grateful that I know, based on the difficulties of our past, that we can get through anything together.

I am also grateful that Canada represents a land of opportunity with incredible leaders who have blossomed during COVID-19, and I'm proud to call it my home. I have been able to learn and retain pieces of my heritage while celebrating my freedom each and every day.

When my family (including my extended family) and I celebrate Nowruz next year, our even stronger bond – and (now) shared understanding of the precariousness of life – will cause us to pause and be grateful for the very basic things in life. We must cherish each and every moment, as what comes next is never guaranteed, regardless of where we live.

*This article originally appeared in the National Post on July 17, 2020.*

# Weathering COVID-19 in Canada: We are not in the same boat

BY LORIN MACDONALD, JD'09

COVID-19 has given rise to the cliché, “We are all in the same boat.” In my view, when applied to the effects of the global pandemic on people living with disabilities, this statement is tone deaf (if you will forgive the pun).

Columnist and author Damian Barr paraphrased a poem called *We Are Not All in the Same Boat* by saying, “We are not all in the same boat. We are all in the same storm. Some are on super-yachts. Some have just the one oar.” I find this statement to be more reflective of our times.

To continue the analogy, as the second wave of the COVID-19 storm rages, not everyone’s boat is seaworthy. Some are waiting it out while cruising the seas on luxury liners while others are bailing water in a desperate battle to stay afloat. We have witnessed boats travelling in different directions and at different speeds (think of pandemic responses around the world). Many boats are on a collision course. This has caused all of us to inspect the condition of our boats and consider what’s missing. Armed with our law degrees, most of us are in secure vessels reminding ourselves of our good fortune.

As a woman born with profound hearing loss, a longtime disability rights advocate and a human rights lawyer supporting people with disabilities, I have it on good authority the pandemic has resulted in devastating consequences for 22% of our population (6.2 million Canadians).

Let me say that again for effect: 22% of Canadians live with a disability. This is the largest minority group in the world.

Pre-COVID-19 barriers are exacerbated rather than addressed. Intersectionality plays a critical role by further amplifying and destabilizing already-precarious lives for those who identify as Indigenous, a woman, racialized, a member of the LGBTQ2+ community, living in rural and/or northern community or as being deaf.

Consider those who, during COVID-19,

must still interact with multiple care providers or support persons; are unable or have difficulty washing their hands, wearing a face mask, and maintaining social distance; and need to touch objects and surfaces for both support and information.

Consider those who find themselves moving in with family members because of limited support worker availability, mourning the loss of their independence. Many do not have this option and must transition to long-term care, replete with staffing shortages and deplorable conditions.

A coalition of Canadian disability groups submitted recommendations to the federal government in March, including this chilling passage related to healthcare:

*“If Canada’s healthcare system becomes overburdened by COVID-19, most triaging guidelines will result in people with disabilities being denied care, triaged out of care solely on the basis of having a disability. This was the case during the SARS and H1N1 pandemics and we have no reason to believe that guidelines have changed. Canadians with disabilities may be refused ventilators or life support in a moment of crisis because they have a disability.”*

Communication during COVID-19 has also been difficult. As a person who lipreads, mandatory masking has made communication impossible for me and many others, and I am often ignored or dismissed when I ask for support. The move to online meeting platforms without stenocaptioning excludes those who need it. Governments across Canada must relay information in accessible formats so everyone can get timely

updates on pandemic policies and supports. Access to technology, the Internet, and other communication supports are expensive, and service restrictions in libraries and community centres have made staying informed challenging for marginalized communities.

While the Canadian government was swift to enact emergency economic support utilizing the honour system with respect to eligibility, many Canadians with disabilities are excluded because they receive provincial or federal disability assistance. This has been a bitter pill to swallow given the additional financial strains during COVID-19 due to their disability and/or chronic health conditions. Meanwhile, recipients receiving emergency funds bemoan the ability to

live on \$1,800 to \$2,000 a month when people with disabilities have lived on nearly half or less than that amount for years.

The now approved one-time non-taxable \$600 payment for those with a valid Disability Tax Credit (DTC) makes people with disabilities the last served and the most scrutinized. It is estimated that 60 percent of Canadians with disabilities will be left behind due to barriers to

acquiring the DTC, although the extended application deadline to the end of the year will undoubtedly help. However, this has also given rise to unscrupulous individuals seeing an opportunity to profit by “assisting” in the application process. Payouts began at the end of October, with the earliest payments occurring eight months after the pandemic began. This will do little to alleviate the financial strain.



LORIN MACDONALD (PHOTO BY JULIE WILLIAMS/PRETTY IN PICTURES)

In sum, this highlights the longstanding systemic disability discrimination perpetuated by ableism, defined as the discrimination of and social prejudice against people with disabilities based on the belief that typical abilities are superior. It is my hope the pandemic will give rise to more inclusive policies (like working from home and accessible virtual platforms), along with open dialogue about accessibility that will lead to

greater empathy and action.

Each of us will emerge from this storm in our own way. May you use your pandemic time to make your boat sturdier while supporting the many community organizations shoring up the boats of others.

*To learn more about the references used in this article or to connect with the author, please email [lorin@hearvue.com](mailto:lorin@hearvue.com).*

***“As the second wave of the COVID-19 storm rages, not everyone’s boat is seaworthy. Some are waiting it out while cruising the seas on luxury liners while others are bailing water in a desperate battle to stay afloat.”***

**LORIN MACDONALD**



# *Under pressure*

Ashley Richards, LLB'05, is taking on the toughest balancing act of her career during the COVID-19 pandemic

BY ASHLEY RABINOVITCH

**A**shley Richards is no stranger to a challenge. After graduating from Western Law in 2005, she climbed the ladder at several competitive Bay Street law firms, gaining experience in commercial litigation and class actions. “Starting my own firm was never the plan for my career,” she acknowledged. “I was chasing the dream of becoming an equity partner.”

Richards began to chase a new dream when she became a parent of two.

“In a high-stakes work environment, parents face unique challenges,” she said. “Women, in particular, are incentivized to hide family-related responsibilities.” During her maternity leave, Richards watched her

go-to subject matter expert without having to rely on more senior lawyers for approval,” she said. “Being forced to make decisions alone has given me new confidence in my ability to serve my clients.”

Nearly two years after blazing her own trail as a solo practitioner, Richards found herself in the same position as countless other working parents across Canada. “When COVID-19 hit, it threw everything into chaos for us,” she said. With their children, ages five and three, home from senior kindergarten and daycare, Richards and her husband have struggled to adjust to a new normal. “We’re facing the pressures of building our own businesses from home while keeping things positive and engaging

for the kids,” she explained.

At first, the kids revelled in joining their parents in the office, imitating them as they played around on old laptops and headsets. “That didn’t last long,” said Richards. “Now my husband and I are constantly negotiating to find hours and minutes when one of us can stop working and spend time with them. There have definitely been some late nights.”

Richards identifies parallels between her experience at Western Law and the challenges she currently faces.

“That first year of law school was a shock to the system, much like the outbreak of COVID-19,” she said. “Ultimately, the pressure to perform and cram a lot of work into a condensed time period was excellent preparation for running my own practice. At Western, I pushed myself to the limit and experienced success as a result.”

More than a decade later, Richards is pushing herself to even greater limits. Her law firm has not only survived the COVID-19 pandemic, but has grown as insurance claims rise and Richards expands her niche in workplace investigations. Despite the rising exhaustion of balancing two worlds in one space, she continues to harness the same resolve that spurred her onward at Western, confident that her efforts will pay off once again.

“*I wanted that freedom to create a lifestyle that would allow me to be the parent, partner and lawyer I wanted to be.*”

**Ashley Richards**

husband, an entrepreneur who worked from home, exercise complete, unapologetic control over his schedule. “I wanted that freedom to create a lifestyle that would allow me to be the parent, partner and lawyer I wanted to be... so I decided to take a chance.”

Richards opened Richards Advocacy as a sole practitioner in 2018. “Sometimes I have to pause and reflect on the past two years because it’s beyond anything I had envisioned for myself,” she admitted. While she faced a steep learning curve in juggling billable hours with the mountain of administrative and legal compliance work involved in running a solo practice, she has never struggled to build a sizable client base. “I discovered I’m more effective at business development than I expected to be,” said Richards.

Since starting her firm, Richards shared she feels like a lawyer with the training wheels off. “One of the most rewarding aspects of running my own business is becoming the

Ashley Richards and her husband Anthony Dixon with their children Meredith and Sebastian



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# Alumna receives highest Law Society award

By Debora Van Brenk

If they see a barn on fire, most people will call 911, stand back, wait for the firefighters and hope the horses survive. That's the wise and considered approach, said Heather Joy Ross, LLB'84. "Then there's a whole other group of people who, without thinking, will run into the barn to save the horses. I'm hard-wired that way."

After a legal career spanning more than 30 years – including as a family lawyer, defence lawyer, mentor, firm partner, and lifetime bencher (Governor) of the Law Society of Upper Canada – Ross was recently awarded the Law Society Medal for Outstanding Service.

During her career, she has tackled domestic abuse and gender inequity issues, and helped lead the creation of the Huron Women's Shelter in Goderich. As the founder of the South West Region Women's Law Association, she has also been a mentor to scores of female lawyers.

She can cite countless times she has gone into the legal 'fire' to support clients who thought theirs was a lost cause. "I've never been able to back away from injustice," she said.

At age 29, Ross was married, with a preschool son and 13-year-old daughter at home, when she applied as a mature student to Western Law.

She credits two factors as pivotal in her decision: one was the legacy of a mother who put her social conscience into action, and the other was a lobbying effort in the 1970s by a Huron County group wanting to ban several books from high school classrooms.

Ross ran a gift store in nearby Clinton at the time and sold books by Canadian authors. She and Alice Munro, DLitt'76 – a friend, customer and a future Nobel laureate in Literature – joined forces to oppose the ban.

They won their case before the school board, and Ross realized law school would be a good path to continue her advocacy.

She was already doing some administrative work with her husband Paul's law firm. "I did that for a year and realized it wasn't for me. But being a lawyer was," said Ross.

Her first day of class at Western was also her son Quinn's first day of kindergarten and his fifth birthday. That first morning, a guest lecture by Canadian Constitutional lawyer Mary Eberts, BA'68, LLB'77, PhD'99 (Civil Law), confirmed to Ross that she'd made the right choice.

Later that day, Ross raced home to Goderich

to make a birthday cake for her son. That was the beginning of what was to become three years of daily, 200-kilometre commutes: "I was focused. I was there for a reason and I felt it a privilege to be accepted."

She credits professors such as Constance Backhouse, LLD'12, a leading legal scholar in gender and race discrimination (and now at the University of Ottawa), with helping her build a solid foundation in justice, equity and legal principles.

By contrast, Ross and other female students also battled against unsanctioned attitudes about their place in law school. Once, after a documentary screening, she and her friends were blocked and mocked by male law students who yelled that they weren't welcome and should go home.

"It reminded me things were all not well," Ross recalled. "I simply said, 'I have as much right to be here as you,' and moved on."

That determination would echo through her career as she prepared – often over-prepared – for each case and advocacy, whether it was on behalf of women and children who had left abusive relationships or in building support networks for other women lawyers.

Elected as a Law Society bencher in 1999, Ross has influenced the profession's rules of professional conduct,

as well as its work on human rights and on equity, diversity and inclusion.

In 2019, she retired after having helped expand The Ross Firm to four locations. Son Quinn, LLB'04, an immediate past-president of the Ontario Bar Association, now heads the law firm.

She was astonished in May when she was announced as the recipient of the Law Society's medal for service in keeping with the profession's highest ideals. She hadn't even known she was nominated.

Since then, she has received congratulatory letters from hundreds of people – past clients, friends, colleagues. One of the most poignant was from a woman who thanked Ross for keeping her and her children safe years ago.

She values her education at Western and as a lawyer, particularly now, as racism is being exposed and injustice brought to light. "In this current climate, I appreciate my profession and its importance in keeping tyranny at bay more than ever before."

**"I've never been able to back away from injustice."**

**Heather Joy Ross**



# Western Law alumni appointed to **Order of Canada**

“These two graduates have reached the pinnacles of their respective fields, and are national leaders in public service and business. We are proud they started their careers at Western Law.”

Erika Chamberlain



BY ASHLEY WISEMAN

**T**wo Western Law alumni are among the 120 people newly appointed to the Order of Canada. Gordon W. Walker and Larry Rosen were both named Members of the Order – one of the highest civilian honours in the country – by Governor General Julie Payette last December.

Walker was recommended by the Advisory Council for the Order “for his civil service as a provincial parliamentarian and for his commitment to protecting transboundary waters between Canada and the United States,” while Rosen was recommended “for leading and expanding the family’s high-end fashion company, which became one of Canada’s most valuable retail brands.”

Dean Erika Chamberlain expressed her congratulations on behalf of the Faculty: “These two graduates have reached the pinnacles of their respective fields, and are national leaders in public service and business. We are proud they started their careers at Western Law.”

Both alumni found out about their appointments through a phone call from the Governor General’s office.

“It is a great honour,” said Walker. “I am humbled to be included amongst so many great Canadians who have received this high recognition.” This sentiment was echoed by Rosen, who was “shocked, dumbfounded and delighted” when asked if he would accept the honour. His response was “a resounding ‘yes!’,” he said. “Canada is ingrained in our family business story, so this appointment is very exciting for me.”



#### LARRY ROSEN

Rosen graduated from Western in 1982 with his LLB and MBA. As only the second person to graduate from the combined program, he went on to practise corporate law before joining

the family business Harry Rosen Inc., a luxury menswear chain, in 1982.

“Practising corporate law in Toronto was interesting and exciting. My decision to join the family business was based solely on a sense of pride and wanting to be part of the company my father worked so tirelessly to build,” said Rosen, who occupied a variety of management positions before being named President and Chief Operating Officer in 1997, then Chief Executive Officer in 2000.

During his time with the 66-year-old company, he spearheaded expansion plans that resulted in 18 new stores and sales increased by over \$300 million each year. Harry Rosen Inc. was also named one of Canada’s *Top 50 Best Managed Companies* under his direction in 2007. They have maintained their platinum status ever since.

Rosen is no stranger to personal awards either. In 2014, he was named *Distinguished Retailer of the Year* by the Retail Council of Canada, which recognizes retail leaders who have demonstrated success in business and innovation, as well as a commitment to their communities.

When asked about how his education has shaped his career, Rosen said he’s immensely grateful for it. “There isn’t a day that goes by where aspects of my education are not put to use. I find it extremely beneficial for a business leader to also have a legal background.”



#### GORDON WALKER

Walker graduated from Western Law with his LLB in 1967, one year after being elected as a city councillor. His love for both law and politics led to a unique career that has

intertwined the two disciplines for decades. Some of his positions have included Member of Provincial Parliament, Minister of Correctional Services, Minister of Consumer and Commercial Relations, Provincial Secretary for Justice, and Principal of Walker Consulting Inc.

He attributes much of his success to his time at Western Law.

“Western’s school of Law has shaped my career over the past five decades, whether it was the practice of law, the making of law, or the administering of law,” said Walker. “Not a day goes by when the basic grounding I received at Western has not played a role.”

Although being named to the Order of Canada will perhaps be the biggest highlight, Walker is looking forward to all the experiences still yet to come in his career. “This high honour just inspires me to keep on.”

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Nearly 7,500 Canadians have been named to the Order since its inception in 1967. Recipients come from diverse areas of society, but all have made significant contributions to Canada in one way or another and embody the motto “*desiderantes meliorem patriam*,” which means “they desire a better country.”

# CHARTING A NEW COURSE

Bill Kosar, LLB'82, traded in the nine-to-five for a career in international development and never looked back



Bill Kosar (R)

BY ASHLEY RABINOVITCH

**“I** can count on one hand the number of people who completely changed the course of my life,” shared Bill Kosar. Yuri Luryi, a prominent human rights lawyer who taught a course in Soviet law at Western in the 1970s, was one of them.

Kosar never dreamed of attending law school. He fully intended to pursue a PhD in medieval Russian history before changing direction. He reasoned that his father, the owner of a construction company that was constantly entangled in litigation, would guarantee a first paying client. Kosar did eventually represent his father in several cases, but the interest in international law sparked by Luryi’s class never waned.

After nearly two decades of practising commercial corporate law in his hometown of Hamilton, Ont., Kosar hit a wall. “I hated nearly everything involved in the nine-to-five practice of law,” he said.

He began teaching international business law at McMaster, Ryerson and other universities in the Greater Toronto Area, and accepted an invitation from the United

Nations Development Program to provide a critique of enterprise law on the ground in Vietnam. One opportunity led to another and the rest, they say, is history.

Over the past 15 years, Kosar has built a thriving career in the international development sphere, helping governments, NGOs and private companies with legislative drafting, legal reform, and capacity building in more than 25 countries around the world. As he works in tandem with prominent organizations like United States Agency for International Development (USAID), the World Bank and Deloitte Consulting, Kosar marvels at the unexpected adventures that come his way. “How many people can say they’ve had the opportunity to negotiate a multi-billion dollar oil deal for Somalia or meet the King of Thailand?” he said.

Like any career path, the legal niche Kosar has carved out within the international development community comes with its own set of challenges. “It can be difficult to write laws that are not implemented,” he acknowledged. Out of nearly 60 laws he drafted for the fledgling state of South Sudan, roughly 10 have been enacted.

Kosar also points to well-meaning donors who fund projects that lack input from knowledgeable sources on the ground. “I remember when a group of donors funded the drafting of a fabulous 300-page bankruptcy law for the government of Afghanistan,” he said. “Unfortunately, it was never going to work. You have to look at international best practices and take the country’s legal precedent, existing law and local context into account. What works in one country will not necessarily work in another and an overly complicated law can be worse than no law at all.”

Regardless of the difficulties that arise in the course of his work, Kosar said he would “happily do it for free” if he didn’t need to earn a living. “I’m constantly motivated by all the fascinating people I meet and by the impact legislation can make.” Reflecting on a mortgage law in Afghanistan he wrote with local input, Kosar said he thinks about all the people who can now borrow against their homes to expand a business.

He said he thinks, too, about the year he spent working with a committee to craft South Sudan’s environmental protection law from scratch. “The laws that make me the proudest are the laws I didn’t write myself, and that was one of them,” he noted. “My role is ultimately to be a facilitator while local counterparts take ownership. It’s their law, not mine.”

These days, Kosar can hardly keep count of how many laws he has helped draft, but it’s close to 100.

For the past nine years, Kosar has lived in a small fishing village north of Mombasa, Kenya, minutes away from what many consider Africa’s most beautiful beach. As the COVID-19 pandemic prevents him from traveling internationally, he pursues his longtime passion for sailing and lives a simple life with his wife, a Kenyan-born lawyer. Currently, he is working remotely to help revise a variety of commercial laws in South Sudan, Fiji and Myanmar.

“As the pandemic continues, many of us in the international development community have realized that we don’t need to be in the country for everything,” he acknowledged. “Video calls have really revolutionized our line of work.”

Whether his first post-COVID-19 trip takes him on a work assignment across the globe or on a sailing trip across the Equator, Kosar is always ready for the next adventure. “I’m not one to let the grass grow under my feet,” he said.

# Seizing *the* opportunity:

Trish Callon, LLB'87, leads  
with innovation and agility

By Ashley Wiseman



Trish Callon

**W**hen COVID-19 struck in mid-March, many organizations required large numbers of their employees to work from home and adapt to a new and unfamiliar virtual environment. Most of them were rolling out their work from home models for the first time – and on the fly – but Sun Life Canada's team of 80 lawyers and legal professionals was ahead of the game. Their foundation for working remotely on a full-time basis was already laid, resulting in a transition of which many others would be envious.

This was thanks to Trish Callon, LLB'87, the senior vice-president and general counsel at Sun Life.

A few years ago, Callon found herself responsible for preparing the team for their move to their new headquarters in Toronto and decided to seize the opportunity to adapt to a more agile way of working.

The team had been operating in a very traditional space, with lawyers in exterior offices behind closed doors and other employees in windowless cubicles surrounded by paper.

Callon's plan involved collaborative workspaces and workstyles, as well as eliminating their dependence on paper,

a combination of open and private workspaces instead of designated offices, and revamped work processes.

"The move to One York was a catalyst for change for the legal team. It caused us to sit back and think about how we were operating and how we could modernize the way we work in a different space," explained Callon. "All of this served us well in the shift to supporting our business partners and our clients virtually long before the pandemic."

Since everyone vacated their office spaces in March, Callon and her team have focused on supporting a range of new initiatives to support both clients and employees. From the very early days of the pandemic, Sun Life's legal team worked closely with business partners to implement accommodations to be offered to clients experiencing financial hardship and accelerate their digital transformation. The team took a risk-based approach and leveraged technology and collaboration tools to deliver innovative solutions.

"Throughout the pandemic, financial security and health have been top of mind for people across the world. With a purpose to help our clients achieve lifetime financial security and live healthier lives, Sun Life has an important role to play in the lives of our

clients during these unprecedented times," said Callon.

Callon notes that while she's pleased with their actions so far, they've still learned a couple lessons along the way.

"Our first was the importance of being clear about the range of our risk appetites for any given initiative and then working within that range," said Callon. "With speed may come some additional risk and everyone got comfortable with that."

Their second lesson was about prioritization. "We have to be ruthless in making sure that we're spending time on the most strategic work for the business," said Callon.

In reflecting on the longer-term impact of the pandemic on Sun Life and the financial services industry more generally, Callon expects some of the changes will be permanent. Clients want to continue engaging with them in a more digital way and employees want continued flexibility in how they work, while still pursuing their career goals.

"We've demonstrated a tremendous amount of resilience throughout the pandemic and I'm so proud of all we've achieved. Our experience during these last several months will most certainly help us handle whatever comes next."

# Alumni Gatherings

➤ From Dennings to class reunions to Homecoming, our alumni are keeping their Western Law spirit alive.

*\*All photographs were taken at events prior to the COVID-19 pandemic.*

Class of '09 Reunion



Deandra Schubert and Jordana Talsky (Both LLB'09)



Erin Naylor, Jeff Conway, Alla Kikinova, James Ross,  
Sandra Train and Amanda Groves (All LLB'09)

Chris Bredt and Shael Eisen (Both LLB'79)



Back Row: Don Schroeder, LLB'69, Fred Porter, LLB'69, John Eberhard, LLB'69, and Michael Menear  
Front Row: Susanne Prentice, LLB'69, Glen Cooper, LLB'69, Gary McCuaig, LLB'69, and Donald Stanbury, LLB'69



Back Row: Azmat Ramal-Shah, Urmi Chowdhury and James Ross  
Front Row: Adi Sittelbah, Heela Donsky Walker and Jennifer Hoffman (All LLB'09)



Robert Michael Jackson, Shazia Banduk, Kenneth Ng and Urmi Chowdhury (All LLB'09)



Spencer Jones, LLB'18, Maya Bozorgzad, LLB'18, Omar Tobah, LLB'19, Anna Toth, LLB'19, and Stephanie McDonald, LLB'19



Daniela Chang, LLB'17, Daniel Fisher, LLB'17, and Beth Kondys

Vivian McPhee, Stephanie McDonald, LLB'19,  
Anthony Robertazzi, LLB'19, and Grace Galante



Deandra Schubert, Azmat Ramat-Shah,  
Zohaib Maladwala and Shazia Banduk (All LLB'09)



CLS Reunion Denning



Lawrence Gridin, LLB'10, Lorin MacDonald, LLB'09,  
Omar Ha-Redeye, LLB'10, and Roman Baber, LLB'05



Sean Downward, Katerina Minaeva, LLB'12, and Sahil Zaman, LLB'12

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Daniel Fisher, LLB'17, and Michael Coyle

# New entrance awards enhance racial diversity

BY SUSANNA EAYRS

Thanks to generous donations from Sunil Gurmukh, LLB'08, and family, and several alumni led by Benjamin Reingold, JD'13, and Corum Van Esch, JD'13, Western Law will offer a new bursary for Black, Indigenous and racialized students, as well as a new entrance scholarship for Black students starting this fall.

"One of our priorities is to enhance the diversity of our student body and to make Western Law a more welcoming place for everyone," said Western Law Dean Erika Chamberlain. "These new entrance awards are important steps to that end, and we're very grateful for the support and generosity of our alumni."

The *Gurmukh Family Bursary in Law* will be awarded to a Black, Indigenous or racialized student in first- or second-year who has financial need.

The bursary is supported by Sunil Gurmukh, Counsel at the Ontario Human Rights Commission and an adjunct research professor at Western Law.

"My dad Gary Gurmukh and I chose to create the *Gurmukh Family Bursary in Law* to address systemic racism and the under-representation of Black and Indigenous people in law school and the legal profession," said Sunil Gurmukh. "The legal profession must better reflect the communities it serves. We hope the bursary will make a difference and that other alumni will follow suit."

The *Violet King Award* was named after the first Black woman to practise law in Canada, as she has shattered glass ceilings and broke down colour barriers to pave the way for future generations. The award will be given to a Black student in first-year at Western Law.

Lera Nwineh and Rivannah Brown of Western's Black Law Students' Association (BLSA) named the award.

"It's great to see the Western community taking steps that reflect its acclaimed collegial atmosphere," said Brown. "Scholarships are an important step towards removing systemic barriers in the



RIVANNAH BROWN

legal profession faced by Black students. *The Violet King Award* signifies Western Law is committed to nurturing an environment inclusive of all students by recognizing racial stratification in our legal education system."

"We're proud to partner with Western and the BLSA on this award. This scholarship represents a much-needed step in making Western Law a more inclusive and diverse space," said Van Esch.

Reingold added, "We know there's still significant work to be done and are committed to doing what we can to address the underrepresentation of Black students applying to and graduating from Western Law."

In addition to the new entrance awards, Western Law now offers an application support package for Black students, which includes vouchers for a professional LSAT

preparation course, and a waiver of the application fees to Western Law and the Ontario Law School Application Service.

Western Law has also established an Anti-Racism Working Group. It is comprised of JD and law graduate students, as well as faculty and staff, and will develop short and longer-term strategies for issues like diversity in student and faculty recruitment, curriculum options, and student supports.

"As lawyers and educators, we need to encourage more open and critical dialogue on the important role of legal education in tackling racism in Canada," Chamberlain said. "Much important work remains ahead of us, and our conversations need to involve a wide range of diverse perspectives, including voices that have not always been prominent at Western Law."



# Torys LLP support bursaries for COVID-19 relief

BY SUSANNA EAYRS

COVID-19 has presented unique challenges for many, including law students who lost summer job opportunities and the income they were relying on to pay tuition and living expenses.

With thanks to a generous gift from Torys LLP, a student support bursary has been established to assist students with demonstrated financial need.

Led by Torys LLP partners Gillian Dingle, LLB'04, Adrienne DiPaolo, LLB'08, Mitch Frazer, LLB'99, and Janan Paskaran, LLB'02, as well as support from fellow Western Law alumni at the firm, \$100,000 was raised in support of current Western Law students.

The firm stepped up to match the lawyers' collective contributions dollar for dollar, bringing the Torys gift to \$200,000.

"Torys has a long-standing affiliation with the law school and we value that relationship," said Frazer. "This is a critical period in the history of the law school—with students facing financial hardship during this global crisis. There's no more important time to give back than now, and we're proud to do so."

The \$200,000 gift from Torys LLP has been matched by Western Law—propelling the total to \$400,000 and establishing the *Torys LLP Student Support Bursary*.

"As alumni and as a firm, we are thrilled to partner with Western Law to invest in students and help ease some of the additional uncertainty and stress they are facing in the



GILLIAN DINGLE



ADRIENNE DIPAOLO



MITCH FRAZER



JANAN PASKARAN

pandemic," said DiPaolo.

"This is an important and much-needed initiative," said Dean Erika Chamberlain. "We're very grateful for the tremendous support of our alumni and Torys at this critical time."

Torys LLP, a globally recognized law firm with

offices in Toronto, Calgary, New York, Montreal and Halifax, has been a strong supporter of Western Law and its students through awards, scholarships and funding for academic research, including the W. Geoff Beattie Chair in Corporate Law and the Torys LLP Corporate &

Securities Law Forum.

"Torys has been a true champion of Western Law," said Chamberlain. "We're very grateful to them; for the leadership of Mitch Frazer and our alumni at the firm for supporting the next generation of legal professionals."

# Faculty of Law Donors

We would like to recognize the following donors who gave to Western's Faculty of Law between May 1, 2019 and April 30, 2020. We also wish to thank those donors who have chosen to remain anonymous and those who have made previous commitments to the Faculty of Law.

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“The generosity of our alumni, friends and law firm benefactors plays a vital role in providing Western Law students with the resources they need to thrive. Your investment affords us the ability to offer the best learning opportunities for current and future students. Thank you for your leadership and support of our students, faculty and programs.”

#### Holly Gati

Director of Development

# 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.

Adam Fanaki Memorial Award in Competition Law	Cheryl Waldrum Global Opportunities Award in Law	Harold G. Fox Education Bursary Fund	Mr. Donald H. Crawford Q.C. Scholarship in Criminal Procedure
A.B. Siskind Scholarship	Clarke-Osborne Family Entrance Scholarship	Harold G. Fox Education Fund Awards	Myer and Sarah Solomon Entrance Scholarships
A.T. Little Scholarship and Gold Medal	Class of '97 Law Grad Pact Bursaries	Harold G. Fox Entrance Scholarships	Newton Rowell Entrance Scholarships
Ailbe C. Flynn LLB '97 Memorial Scholarship	Colin D. Leitch Award	Harte Law Award	Nidhi Kanika Suri Memorial Award
Aird and Berlis Award in Contracts	Crawford Chondon & Partners LLP Award in Labour Law	Hasham-Steele Bursary in Law	Norman Craig Brown QC Continuous Bursary in Law
Albert Oosterhoff Award in Property	Darlene and Brian Empey Law Award	Hayes eLaw LLP Scholarship	Norton Rose Fulbright Canada LLP Award
Alex Kennedy Memorial Scholarship	David and Betty Nelson Global Opportunities Award	Insolvency Institute of Canada Prize in Insolvency Studies	Osler, Hoskin & Harcourt Award in Legal Research, Writing and Advocacy
Anne Marie Gutierrez Award	David L. Johnstone Award in Corporate Law	J.G. McLeod-McSorley Scholarship in Family Law	Osler, Hoskin & Harcourt Excellence in Business Law Award
Badun-Gillese Entrance Scholarship	David Thompson Alumni Entrance Scholarship	J.S.D. Tory Writing Prize	Osler, Hoskin & Harcourt Leadership Award
Bernard and Bessie Wolf Scholarship	Dez Windischmann Memorial Bursary	James G. McKee Award	Paul Bradley Award in Real Estate Law
Beryl E. Theobald Entrance Scholarship	Dr. Ian Randall Kerr Memorial Award in Law	Joanne Poljanowski Memorial Bursary in Law	Peter Barton Award in Civil Procedure
Blake, Cassels & Graydon LLP Scholarship	Earl Palmer QC Entrance Scholarship	Kevin J. Comeau Continuing Scholarship	Rawal Family Entrance Scholarship
Blake, Cassels & Graydon LLP Entrance Scholarships	Edna Yuet-Lui Chan Memorial Award	Law Class of 1993 Bursary	Rhodes Western Law Award
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Brown & Partners Scholarship in Insurance Law	Eric K. Gillespie Professional Corporation Writing Scholarship	Law Society of Upper Canada Education Equity Award	Robert and Anne Aziz Award
Bruce Alexander Thomas Bursary	Erika Gross Chamberlain Bursary in Law	Leonard J. Carter Bursary	Robert D. Preston Entrance Award in Law
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Catalyst Capital Scholarship in Bankruptcy and Insolvency Law	Francis Marie Clark Award in Law	Lynda Usprich Memorial Bursary in Law	Sandra Oosterhoff Memorial Bursary
Catalyst Capital Scholarship in Bankruptcy, Insolvency and Restructuring Law	Gowling WLG (Canada) LLP Entrance Scholarship	Mackewn, Winder, Kirwin Entrance Scholarship in Law	Sherrard Kuzz LLP Labour and Employment Law Achievement Award
Catalyst Capital Writing Scholarship in Advanced Restructuring and Insolvency Law	Grad Pact Law Bursary	Margaret E. Rintoul Award in Wills	Sonja J. Gundersen Awards
	Gregory Brandt Award in Constitutional Law	Mario Paura Award in Law	
	Gurmukh Family Bursary in Law	McArdle-MacKinnon 125th Anniversary Alumni Award	
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# Cumulative Giving Donors

Donors who have cumulative giving of \$25,000 or more to the Faculty of Law from May 1, 2004 to April 30, 2020.

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# CLASS NOTES

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**James S. Peterson**, P.C., LLB'64, was appointed an independent member of the Board of Directors for Datametrex AI Limited.

1967

**Gordon W. Walker**, LLB'67, was appointed to the Order of Canada.

1969

**James K. Alexander**, LLB'69, was honoured with an award in his name (*J. Kenneth Alexander Award for Excellence in Advocacy*) by the Cochrane Law Association.

1970

**Craig Paterson**, LLB'70, and CEO of Oaxaca Holding Corporation, now operates a cultural and artistic salon, gallery and studio in Vancouver.

**Wolfram U. Tausendfreund**, LLB'70, retired as a Justice from the Superior Court of Ontario after his 75th birthday.

1976

**Peter P. Mercer**, LLB'76, will step down as President of Ramapo College of New Jersey in 2021 after a 16-year tenure.

Submit your  
Class Note at  
[alumni.uwo.ca](http://alumni.uwo.ca)



**Roberta Jamieson**, LLB'76, LLD'93, was appointed an independent member of Deloitte Canada's Board of Directors. She also won the 2020 *Lynn Factor Stand Up for Kids National Award* for her impact on Indigenous youth.

1979

**Leonard Ricchetti**, LLB'79, was appointed a Regional Senior Judge of the Superior Court of Justice of Ontario for the Central West Region.

1982

**Larry Rosen**, LLB'82, was appointed to the Order of Canada.

**Robert I. Thornton**, LLB'82, was named a *Leading Lawyer* in the 2020 Chambers Canada Guide.

1985

**David A. Gerofsky**, LLB'83, was appointed to the Triovest Inc. Board of Directors.

**Gregory Ross**, LLB'83, was appointed Board Observer for International Cannabrands Inc.

1984

**Eric Peter Auvinen**, LLB'84, was appointed Firm Chair at Miller Thomson LLP.

**Cathy Singer**, LLB'84, was appointed part-time Commissioner for a two-year term with the Ontario Securities Commission.

**Heather Joy Ross**, LLB'84, received a medal from the Law Society of Ontario. She played a critical role in the establishment of the Huron Women's Shelter in Goderich and is the founder of the South West Region Women's Law Association.

1986



**Filomena Tassi**, LLB'86, was appointed Canada's Federal Minister of Labour.

**William G. Woodward**, LLB'86, was appointed Chair of the Federation of Ontario Law Associations, which represents Ontario's 46 local law associations and their approximately 12,000 members.



**Robin Rotenberg**, LLB'85, published *Pound On!! From the Glass Slipper to the Glass Ceiling*, a collection of positive stories of trailblazing alpha women, chronicling their careers as they trade the glass slipper for the glass ceiling to pound on and grab for the brass ring.

## 1987

**Robert Fuller**, LLB'87, authored the second edition of *Agriculture Law in Canada*, updating his 1st edition from 1999.

## 1989

**Blair Morrison**, LLB'89, was appointed CEO of the BC Financial Services Authority.

## 1990

**Patrick Buchholz**, LLB'90, and Partner at Lavery in Montréal, was appointed a Judge of the Superior Court of Québec for the District of Montréal.

## 1991

**Warren Bongard**, LLB'91, stepped down as President of the Western Alumni Association's Board of Directors.

**Karen Fellowes**, LLB'91, and Senior Counsel with Stikeman Elliott, was honoured with a Queen's Counsel (Q.C.) designation.

## 1992



**Karen Jensen**, LLB'92, was appointed Canada's first Federal Pay Equity Commissioner.



**Julie Soloway**, LLB'92, and Partner at Blake, Cassels & Graydon LLP, was named one of the *Top 25 Most Influential Lawyers of 2020* by Canadian Lawyer Magazine.

## 1994

**Blair L. Botsford**, LLB'94, joined Blaney McMurtry LLP as a Partner specializing in trusts and estates.

**Joanne Bruhn**, LLB'94, was appointed a Judge of the Superior Court of Justice of Ontario, Family Court branch in Newmarket.

**Cynthia Crysler**, LLB'94, was named a Partner at Cavalluzzo LLP, as well as the leader of its pensions and benefits practice. She has worked exclusively in the field of pensions and benefits for nearly 25 years.

## 1995

**Kathleen Erin Cullin**, LLB'95, was appointed a Judge of the Superior Court of Justice of Ontario.

**Stephanie Vaccari**, LLB'95, was named a Managing Partner of Baker McKenzie's Toronto office.

## 1996

**Michael Paul Reed**, LLB'96, joined WSFS Bank, the primary subsidiary of WSFS Financial Corporation, as Executive Vice-President and Chief Risk Officer.

## 1998

**Jill C. Cameron**, LLB'98, and Deputy Crown Attorney at the Ministry of the Attorney General of Ontario, was appointed a Judge of the Superior Court of Justice.

**Barbara Dirks**, LLB'98, joined Pace Credit Union as President and Chief Executive Officer.

**Krista Palframan (nee Price)**, LLB'98, was promoted to Vice-President and Lead Counsel for the Insurance Services business at LexisNexis Risk Solutions.

## 1999

**Mitch Fraser**, LLB'99, was named Chancellor of Ontario Tech University.

## 2001

**Valerie Brown**, LLB'01, was appointed a Judge of the Ontario Court of Justice.

**Gavin-Douglas F. MacDonald**, LLB'01, was appointed to the Board of Directors for the Halifax Chamber of Commerce.

## 2002

**Jennifer Breithaupt Smith**, LLB'02, was appointed a Judge of the Superior Court of Justice of Ontario, as well as a member of the Family Court branch and a Judge ex officio of the Court of Appeal for Ontario.

## 2004

**Roxana Tavana**, LLB'04, became a Partner at Grayhawk Investment Strategies.

## 2005

**Shelby Austin**, LLB'05, has been named Chief Executive Officer of Arteria AI.

**Linda Visser**, LLB'05, of Siskinds LLP, received one of London Inc. Magazine's *20 Under 40 Awards* in 2019.

**Lisa Walters**, LLB'05, of Siskinds LLP, received one of London Inc. Magazine's *20 Under 40 Awards* in 2019.

## 2008

**Nick Pasquino**, LLB'08, and Partner at Borden Ladner Gervais LLP in Toronto, was appointed Regional Manager of the Corporate Commercial Group.

## 2009

**Lorin MacDonald**, JD'09, launched *HearVu*, a social enterprise company that provides live captioning for big events. Their first event was with Michelle Obama.



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to our outstanding alumni on their  
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**Justin Kates, LLB'08**



**Benjamin Mak, LLB'05**



**Pamela Shin, LLB'05**

**2010**

**Matthew Wilson**, JD'10, was recognized as a Certified Specialist in Real Estate Law by the Law Society of Ontario in October 2019.

**Omar Ha-Redeye**, JD'10, was appointed Executive Director of the Durham Community Legal Clinic.

**2011**

**Adrian Cochrane**, JD'11, was appointed Vice-President, Legal Affairs and General Counsel at Vox Royalty.

**Kyle Smith**, JD'11, filed his first PCT non-provisional patent with Klarquist (clients include Microsoft and Amazon) for a new kind of software that combines the structure of databases with the flexibility of general-purpose scripts.

**2012**

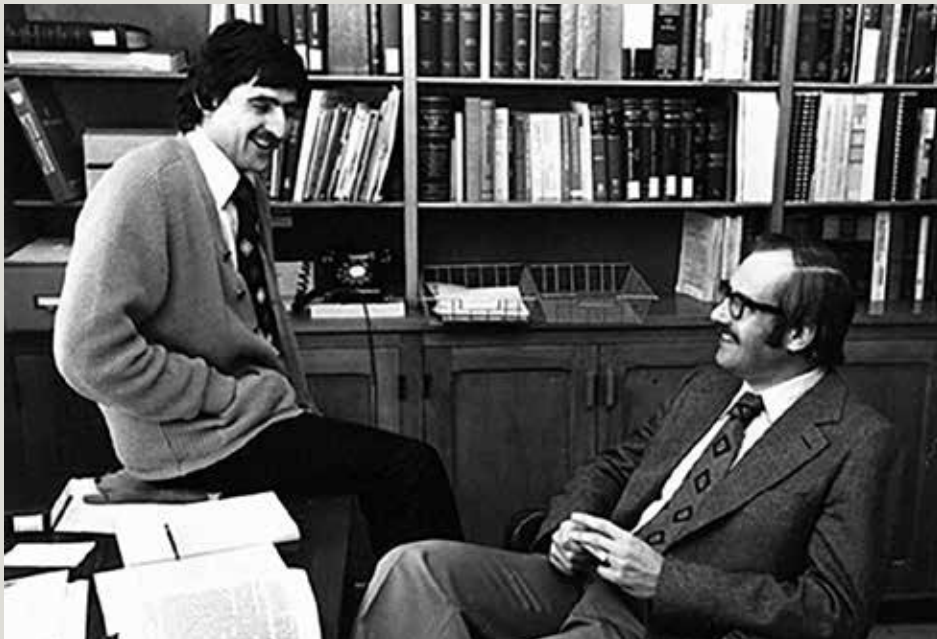
**Arik Broadbent**, JD'12, joined Dentons Canada as a Senior Associate and the Vancouver lead of the firm's Venture Technology and Emerging Growth Companies group.

**2013**

**Kenny Choi**, JD'13, was appointed CEO of Yukoterre.

**2015**

**Grant Duthie**, JD'15, was appointed Corporate Secretary at Jaguar Financial Corporation. Duthie is a lawyer at Garfinkle Biderman LLP, where he focuses on securities, corporate finance, and mergers and acquisitions.



Bruce Welling (L) with Richard McLaren (R)

## Western Law mourns the passing of Professor Emeritus Bruce Welling

Western Law mourns the passing of Professor Emeritus Bruce Welling, a member of Western Law's Class of 1974 and professor from 1975-2017, who passed away on May 4.

Professor Welling was the author of *Corporate Law in Canada: The Governing Principles and Property in Things in the*

*Common Law System*, and was a legendary professor of property, corporate law, and conflict of laws.

He is remembered as a demanding and principled teacher, a clear writer, and a loyal friend to those who were close to him. He was an icon among his colleagues and students, and will be dearly missed.

## IN MEMORIAM

**Scott Burrows**, LLB'02, passed away on March 16, 2020.

**Frank Falconi**, LLB'65, passed away on August 24, 2020.

**Adam Fanaki**, LLB'94, passed away on February 15, 2020.

**Robert Martin**, former Western Law professor, passed away on February 13, 2020.

**Helen Pelton**, LLB'91, passed away on November 14, 2019.

**Ernie Popovich**, LLB'63, passed away on March 8, 2020.

**J. Edgars Sexton**, LLB'62, passed away on November 1, 2019.

**Guy Ungaro**, LLB'65, passed away on August 14, 2020.

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**Lex Overton,**  
*JD'21 Candidate*



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