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THE UNIVERSITY OF TORONTO FACULTY OF LAW ALUMNI MAGAZINE
SPRING/SUMMER 2015

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AT THE BORDERS OF CITIZENSHIP

Report exposes Canada's legal 'black holes' when dealing with mentally ill migrants

REAL TIME, RESPONSIVE, REVEALING

Straight-talk legal analysis on antiterrorlaw.ca bared Bill C-51 's ambiguities

AGENTS OF CHANGE

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JD 1977

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BOUNDLESSLEGACY

nexus

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PHOTO BY RAINA + WILSON

Six months in

It's been a fascinating journey since starting as dean in January. I've had the pleasure of hearing from many stakeholders about their enthusiasm for the past, present and future of the Faculty of Law, of meeting many wonderful alumni, and congratulating our newest alumni, the Class of 2015, at Convocation.

As dean, it has been gratifying to gain even deeper perspective on the remarkable intellectual industry of the Faculty's students and professors, as well as its innumerable friends and collaborators. A representative day saw me attend a roundtable discussion of shareholder access to corporate proxy ballots in the afternoon, hosted by Prof. Anita Anand, and then in the evening attend a talk by our alumnus James Stewart, deputy prosecutor of the International Criminal Court, on the future of the ICC, hosted by our International Human Rights Program.

Taking advantage of the phenomenal intellectual resources across the University of Toronto campus, the Faculty and the Munk School of Global Affairs jointly hosted a conference in the spring on the global responses to the terror attacks in Paris earlier this year. Read what academics, journalists and political observers had to say on balancing security with civil rights in "After the Paris Attacks".

On a related note, our outstanding colleague Prof. Kent Roach adapted scholarly analysis for the digital world when analyzing the impact of Canada's Bill C-51, in "Real time, responsive, revealing." His timely commentary played a large role in shaping public discussion of these important questions.

Of course, our students were also busy putting their new knowledge into practice. That's exactly what Persia Etemadi was doing, working with Prof. Anver Emon and others to draft a high school curriculum tool that teaches youth their legal rights in standing up to forced marriages, in "Agents of Change."

On the business law front, keep an eye out for Blue J Legal, a law school startup using artificial intelligence and IBM's all powerful computer, Watson, in "Elementary, my dear Watson." Blue J Legal is poised to streamline legal research for lawyers and the public, and we're sure it will be drawing more attention in future.

Plus Convocation coverage, a charming chat with Justice Gloria Epstein, and a profile of a diplomatic lawyer with a funny bone who takes over the house—Hart House.

I hope you'll add Nexus to your reading list, and wish you all an enjoyable summer with your family and friends.

ED IACOBUCCI
DEAN OF THE FACULTY OF LAW

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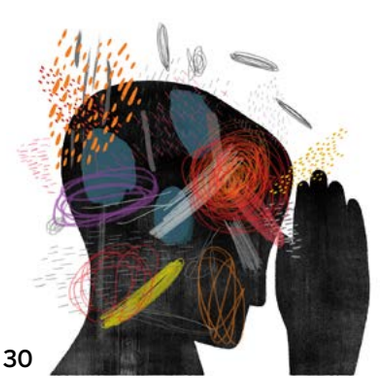

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KAREN GROSS

WRITER, "IN THE SHADOWS OF CITIZENSHIP"

Karen Gross worked for more than a decade as a local and national CBC broadcast reporter. She co-hosted CBC Radio's "The World at Six", before moving to San Diego in 1998. Since then, Karen has worked at the local NPR station, and currently writes for the University of San Diego. A mom of three teenagers, she also volunteers as a court-appointed special advocate for foster children.

ALEC SCOTT

WRITER, "ELEMENTARY, MY DEAR WATSON"

Alec Scott, LLB 1994, practiced litigation with a boutique for three years. Since then, he has worked as an editor (*Saturday Night, Toronto Life*), a producer (CBC) and writer. A resident of Oakland, California, he has been nominated for 12 Canadian National Magazine Awards, and a travel piece on Germany recently won a North American Travel Journalists' Association gold. He contributes frequently to the *Globe, Report on Business,* the *San Francisco Chronicle, San Francisco Magazine* and *Monocle*.

NICK WONG

PHOTOGRAPHER, "ENTER STAGE RIGHT"

Nick is a young, rising photographer based in Toronto, with roots in Calgary. An Alberta College of Art and Design (ACAD) alum, he has shot for TD Bank, *Runner's World Magazine, FRAME Magazine*, the *Globe and Mail*'s *Report on Business*, among other clients. His portrait work has been recognized by *Applied Arts* and *CMYK Mag*.

ICYMI

HERE ARE THE TOP 10 MOST-READ ONLINE NEWS STORIES FROM THE LAST SIX MONTHS, IN CASE YOU MISSED IT

1

Mooting domination

Our students RULED the season with 11 first-place finishes

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Read the full stories online here: **http://uoft.me/LawNewsJuly2015**

HERE'S WHAT MADE YOU CLICK RECENTLY:

→ WHAT WE SAID ←

@UTLaw: No wonder Occupy Wall Street didn't have a tax policy, says **@BAlarie** - fixing inequality through taxes is complicated

@UTLaw: Can a company continue to claim ownership after you buy its product? Prof. **@KatzLarissa** discusses on TVO's **@TheAgenda**

"I don't think the government is worried that Omar Khadr is a terrorist. I think the government is more worried that he is not," said Prof. Audrey Macklin, chair of human rights law and a prominent advocate for Khadr, in today's National Post.

Prof. Trudo Lemmens wonders why it took so long for him to obtain Canadian citizenship, and his story is featured in the Toronto Star. *https://www.facebook.com/UTorontoLaw/posts/10153024099947938*

Want to pursue graduate work in law, or know someone who does? Please share our information book on our fantastic LLM and SJD programs: *https://lnkd.in/eU3Ujar*

Alumna Atrisha Lewis, JD 2012, says improve your LinkedIn presence with these easy steps: How Lawyers Can Leverage LinkedIn (Part 1) *http://bit.ly/1OQwnZB*

→ WHAT YOU SAID ←

@ddebow: I'm teaching **@UTLaw** in Jan w **@BAlarie**!! STEM students sign up! Course inspired by **@lessig** **@dfjsteve** & **@ianrkerr**

@WeirFoulds: Congratulations to partner Raj Anand, new Constitutional Litigator-in-Residence at **@UTLaw**'s **@AsperCentre**

@kylekirkup: That moment when the universe seats you next to **@UTLaw's** Kent Roach for a flight to NB. Topics: c51, suspended declarations, Charter future.

@AnitaAnand2: My amazing colleague **@UTLaw** Prof. Michael Trebilcock wins the **@DonnerPrize** - congrats Michael! So happy for you!!!

@renatta_austin: Consider hiring a **@UTLAW** LAWS student this summer. Cost to your firm is ~2K, experience for students is priceless. *http://www.lawinaction.ca/summer-job-program ...*

@picardonhealth: Damning report on treatment migrants with #mentalhealth problems in Canada *http://uoft.me/ihrpmigrant* via **@UTLaw** **@TrudoLemmens** #refugeehealth

AFTER THE PARIS ATTACKS:

Responses in Canada, Europe and Around the Globe

By Peter Boisseau
Illustration by Sébastien Thibault

As their government prepares to take the next step in the "war on terror," Canadians are being loud and clear about what they want, but might get more than they wished for—unintended consequences that make their society neither safer nor better.

That warning was repeatedly heard at a March 9th conference hosted by the U of T's Faculty of Law and Munk School of Global Affairs. The event brought academics, journalists and political observers together in a far-ranging search for solutions in the aftermath of the Paris attacks on *Charlie Hebdo* and shoppers in a Jewish supermarket.

"I think it's clear there is a need for a multi-disciplinary approach," said the Faculty of Law's Dean Edward Iacobucci. "Simple answers with the law or developments in security aren't going to be the solutions."

But nuance and complexity doesn't usually play well to an audience demanding immediate and "decisive" action. Evidence of that was largely framed in the discussions about Bill C-51, the federal government's new anti-terrorism legislation introduced just a few weeks after the attacks, and which became law in June.

Polling taken less than a month after Paris showed Canadians overwhelmingly supported *Charlie Hebdo*'s right to publish the images of the Prophet Muhammad that provoked the attacks, Shachi Kurl, senior vice-president of the Angus Reid Institute, told the conference.

The vast majority also said defending freedom of speech was more important than worrying about giving offense to religious feelings, Kurl noted.

Yet opinion was split whether Canadian news outlets should have reprinted the images from *Charlie Hebdo* here at home.

Kurl said the reaction by Canadians to Bill C-51—which enjoyed more than 80 per cent support overall in the Angus Reid poll—sheds some light on this apparent contradiction.

Support for some of the bill's specific new powers to detain suspects longer without charges, share more private information and conduct much broader surveillance was even higher than support for the bill as a whole, she said.

Even more striking was the fact that more than 60 per cent of Canadians said they trusted the government not to abuse its security powers. That number was triple what it was during the height of the Edward Snowden scandal in 2013.

"It shows we can't put too high a premium at this time in place on our sense of security, our sense of safety," said Kurl.

Panelists said they understood the climate of fear driving the public agenda. Law scholar Prof. Ayelet Shachar recalled her constant anxiety about potential terrorist attacks when she lived in Israel.

The challenge is trying to maintain some semblance of balance in a sound-bite driven world with news events coming 24/7, or as Prof. Ron Levi, director of the master of global affairs program, put it, "the complex ecology around trust in our institutions."

Despite their support for the new anti-terrorism legislation, Canadians don't intend to give the government a blank cheque, said Kurl. Almost 70 per cent want greater oversight for how C-51's powers are used.

The conference saw limited oversight as a worrisome red flag because Canada's safeguards against abuse of security powers are arguably the weakest of all the western allies. "Some measure of legislative oversight is a good thing, our allies all do it," said Hugh Segal, who served as chief of staff to Prime Minister Brian Mulroney. "Why would the government think that Canada has to be an outlier on this issue?"

While polls are snapshots that shift dramatically over time, they can influence changes that are not as easy to undo, others reminded the gathering.

"We should reflect about the impact of our gut reactions on the legal framework on which we rely on in the longer term", said law's Prof. Jutta Brunnée. "We need to remain vigilant."

Like Canadians, panelists widely supported some provisions of Bill C-51. The general consensus was new powers to tackle websites promoting terrorism are good and some argued the bill actually improves Canada's no-fly list restricting travel by terror suspects.

But reminders of past abuses of power, such as the *War Measures Act,* echoed throughout the conference debates. They worried the focus on immediate action could eventually makes things worse if history and the longer term view is forgotten.

> The politically driven trend to react to each new terror threat with ever increasing restrictions on rights and freedoms will be hard to reverse,

said Prof. Kent Roach, describing himself as one of C-51s most ardent critics.

"We have to recognize the times that we live in," said Roach, conceding the new security laws are feeding a huge appetite Canadians have to feel safer.

"But there is the broadest definition of Canada's security interests that I have ever seen in this act," he added. "If everything is security, nothing is security."

The law is so broadly written there were predictions everyone from sovereigntists to Aboriginal protesters could be at risk, but few disagreed the focus is on Islamic radicals, a sentiment increasingly shared publicly by government members.

The extraordinary focus on Muslim communities is dangerous because it is going to alienate certain groups instead of "bringing them into the tent," said the Faculty of Law's Prof. Mohammad Fadel.

> "The problem is how to create a critical middle where you can act as a citizen, practice your religion to the level that you wish to and express political views without becoming the target of security services."

Others were more optimistic Canada might build trust by exchanging information with groups that see themselves as potential targets of terror legislation.

Experts and academics also should not assume Canadians support the bill because they are unaware—as opposed to simply not concerned—some measures in the new legislation may violate the *Charter of Rights and Freedoms*.

"The public is very capable of holding two thoughts at once," quipped Levi. "They may hold the thought this law is a good idea, but it also may not be *Charter* proof."

Some argued Canadians have to move beyond mere tolerance of differences and toward a real dialogue about economic, social and cultural inclusion for minority groups.

That fact is painfully obvious in an endless cycle of media coverage about religious controversies and terror politics that rarely provides context or analysis, a panel of journalists conceded.

The instinct of deadline-driven reporters to grab the easiest source of commentary usually results in interviews with religious leaders who only represent a small part of the Muslim viewpoint, said CBC reporter Natasha Fatah.

"Most Muslims are not busy being Muslims; we're busy trying to pay our mortgages and put our kids through school," said Fatah.

"So that secular or moderate voice that is actually more like mainstream Canadians is actually left out."

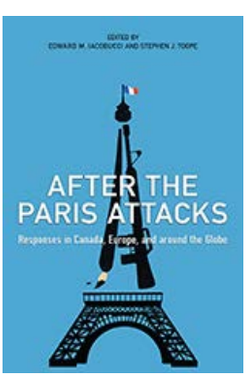
The lack of real diversity in the public debate and the desire by politicians to win over voters with quick and ready-made military and security responses comes at the expense of any real progress toward addressing the root causes of terror, many added.

Liberties are being stripped away even as they are held out as part of the promise of Canada to immigrants, potentially sowing seeds of alienation and resentment.

Meanwhile, Canadians may be unaware the "digital exhaust" they create with cell phones and other technology makes them easy—and maybe likely—to be tracked and monitored at the whim of shadowy agencies like the Communications Security Establishment (CSE), said political science's Prof. Ron Deibert, director of the Citizen Lab.

"It seems to me that if you put all that complexity together, one of the elements we have to try to address is not so much the direct effects of the attack, but the effects of our responses to the attacks," concluded Munk School Director Stephen Toope.

"We also better ask some hard questions about the means, not just about the ends."



The book *"After the Paris Attacks"* is available for purchase here:
http://bit.ly/1gpYcgv

#AfterParis
Read the conference tweets:
http://bit.ly/1DcZuFw

REAL TIME

RESPONSIVE

REVEALING

Legal analysis, without the legalese, bared the ambiguities in controversial Bill C-51 and made Canadians rethink the price of security

Facing a “political juggernaut”: Prof. Kent Roach

By Andrew Stobo Sniderman, JD 2014
Photography by Michelle Yee

When Bill C-51, the so-called "Anti-Terrorism Act," was first introduced to Parliament on January 30th, U of T law professor Kent Roach, LLB 1987, was ready. So was his longtime collaborator Craig Forcese, a professor at the University of Ottawa, though he happened to be at a raucous pool watching his daughter compete at a swim meet. No matter. That morning, over email, they composed their first critique of the bill for the next day's edition of the *Globe and Mail*. That afternoon, television film crews came to Roach's office to record interviews for evening broadcasts of CBC's *The National* and *CTV News*. (Mercifully, for those former students who are wondering, a narrow camera angle spared viewers the horror of Roach's notoriously pile-strewn office).

Roach's early verdict on the bill was clear and scathing: "Privacy and freedom of expression appear to take significant hits, without assuring that Canadians will be safer. And the government continues to turn a blind eye to systemic failings in our national security accountability system."

Roach and Forcese were facing what one prominent journalist called a "political juggernaut." A few months earlier, a lone gunman had shot his way into Parliament with an old rifle and the prime minister was forced to scramble into an impromptu hiding spot in a closet. It was a tragic day that could have been much worse. So when the Anti-terrorism Act came along, just in time for passage before the next federal election, pollsters said 82 per cent of Canadians supported the legislation, though the vast majority had probably not read it.

The 62-page law, passed by Parliament in June, lowers the bar for preventive arrest, criminalizes the promotion of terrorism, and expands the powers of Canada's spy agency to take action against threats, not just analyze them. Spies will also be able to violate *Charter* rights subject to a secret warrant system.

Indifferent to the bill's popularity, Roach and Forcese unveiled critique after critique of the bill. They launched a website, antiterrorlaw.ca, to warehouse their voluminous output. They called their effort "legal scholarship done in 'real time' in a highly politicized environment." Their output was so prolific it seemed like they had an assembly line churning behind them. It was really just two smart guys methodically poking holes in the government's arguments.

A few days after the bill's release, Liberal Party leader Justin Trudeau said he would vote for it despite some reservations. It took two more weeks before the NDP opted for a course of resolute opposition. In the meantime, the role of the official opposition almost literally fell to Roach and Forcese. "For a couple of weeks, Craig and I felt pretty lonely and isolated," Roach says. One the upside, he notes, "No one ever said I was unpatriotic and on the side of the terrorists, which could definitely have happened south of the border."

It helped that this was not Roach's first rodeo. He took a similar jaunt through the eye of a political storm in the wake of 9/11, when the Chrétien government introduced legislation that traded liberty for security at a dubious exchange rate.

Roach, 53, has been thinking about national security policy ever since he wrote his undergraduate thesis at the University of Toronto about Canada's then-nascent spy agency, the Canadian Security Intelligence Service. After Roach became a law professor, he helped produce the 2006 report of the Commission of Inquiry about Maher Arar, a Canadian who was tortured in Syria on account of dubious information shared with the United States. Next, Roach served as the research director of the inquiry into the Air India Flight 1985 bombing, which wrapped up its five volumes of analysis and recommendations in 2010. He has since worried that the reports attracted as much dust as eyeballs.

This time around, Roach made a deliberate decision to spend more energy communicating his ideas. Many professors are good at being right—and bad at being heard. Roach's primary audience remains what he calls the "reasonable policy maker," yet he has become increasingly convinced that outsiders wanting to contribute to public policy need to learn to engage at a more accessible level. For those readers who could handle the whole enchilada, Roach and Force produced five 30-40 page background papers of legal analysis. But they also spoke on radio and television, wrote essays in *Walrus* Magazine and churned out bite-sized op-eds in the *National Post, Globe and Mail, New York Times, Toronto Star* and *Ottawa Citizen.*

All this allowed them to engage the "reasonably well-informed Canadian" as well as the reasonable policy maker, he says. "As academics, I think we have an obligation to produce simpler yet rigorous summaries of what our thinking is, and we have to do that even if we are afraid of sniping from other academics."

Roach had a prolific pen and trenchant legal analysis, but social change takes more than that. It takes people, lots of people, changing their minds and doing something about it.

A Faculty of Law student who just completed his first year, Riaz Sayani-Mulji, began actively campaigning against the bill in Toronto after reflecting upon the likely disproportionate effects of C-51 on Muslim communities. "The truth is that most people don't pay attention to legislative developments and only end up feeling the effects of laws," he says. "But I started getting asked to explain what C-51 was about, since I was a law student and people tend to assume that law students understand the law."

The first thing Sayani-Mulji did was to visit the website Roach and Force set up and read everything he could. Before long he was participating in workshops to explain the legislation without legal jargon. "Not everyone understands what an 'overbroad' law means, but people can understand agents breaking into their house, what Roach and Forcese calls 'kinetic operations'," Sayani-Mulji says. He became a legal translator, which came naturally after years of community organizing. "I am comfortable talking to a room full of Muslim mothers asking about why they should be concerned about their children's well-being, and turning some of the more technical and dry aspects of Roach's analysis into language people can understand."

In March, Sayani-Mulji was invited to speak in Toronto to thousands of protesters against the bill. (Alas, a group of longwinded speakers kept him from the stage, though *CTV News* interviewed him for their broadcast that night).

Shortly after Justin Trudeau and the Liberal Party decided to support the passage of C-51, an organization called Leadnow ramped up its online organizing. It has about 425,000 Canadian members who started receiving emails explaining C-51 and exhorting them to take a stand against it. Many of these emails linked to Roach and Forcese's work, which gave the intellectuals another megaphone; 110,000 people ended up signing the petition against the bill, and Leadnow helped organize protests all across the country.

As it turns out, Leadnow was co-founded by a recent U of T law alumnus, Adam Shedletzky, JD 2014, who now chairs its board of directors. "It is absolutely critical to have credible people like Kent Roach making a case against bills like C-51," he says. "We're capable of reaching and mobilizing a large number of people, but having objective, clearly non-partisan experts speaking out helps inform and inspire our community."

All the writing and interviews and petitions and protests had a dramatic effect. Recall that when Bill C-51 was first introduced, it had garnered 82 per cent support. By April, polls showed that 56 per cent of Canadians opposed the bill. One might be tempted to say that Kent Roach's pen was mightier than the prime minister's law.

That would be wrong, of course, because despite a turning tide in opinion, the bill progressed like clockwork through the House of Commons and the Senate with few amendments. A majority in Parliament need not listen to a majority of Canadians.

IT HELPED THAT THIS WAS NOT ROACH'S FIRST RODEO. HE TOOK A SIMILAR JAUNT THROUGH THE EYE OF A POLITICAL STORM IN THE WAKE OF 9/11, WHEN THE CHRÉTIEN GOVERNMENT INTRODUCED LEGISLATION THAT TRADED LIBERTY FOR SECURITY AT A DUBIOUS EXCHANGE RATE.

Still, Roach can point to at least one clear victory. An early draft of the bill permitted the government to disclose intelligence gathered about individuals to "any person, for any purpose." This could authorize precisely the kind of looseness with information that put Maher Arar in a Syrian torture chamber. In a subsequent version of the bill, that open-ended language disappeared, *poof*.

In mid-May, Roach was among a handful of academics who attended a highly unusual closed-door conference in England with current and former heads of spy agencies from the United States, Australia, France, Germany, and Sweden. These days Canada is among many countries tinkering with the relationship between security and liberty.

The conference has him worrying about "the danger that national security debates are becoming increasingly polarized. There are people who are interested in these issues with grave concerns, but there is also a large number of people who don't have the time or interest to read a detailed legal analysis or even shorter op-eds," he says. "I am worried about the perspective I heard from security officials that some people will always complain and grumble, but the majority will support what is being done in the name of security so let's just go ahead. My view is no, wait, we have to accommodate the reasonable concerns being raised about security laws and practices."

The good news is that the more people learn, the more concerned they become. The challenge for Roach and others will be the extent to which voter apathy is a reality and the reasonable policymaker is a myth.

By Cynthia Macdonald
Photography by Hasnain Dattu

Agents of change

A high school curriculum tool, *Youth Agency and the Culture of Law,* will teach Ontario students their legal rights, so they can stand up against forced marriage

JD/MSW student Persia Etemadi and alumna Nav K. Singh

Some six years ago,

Professor Anver M. Emon walked into a downtown Toronto high school expecting to teach a class. But he was the one who ended up learning.

A noted expert on Sharia law, Emon was invited there to speak about the novel *The Kite Runner* in his capacity as a volunteer with the Law in Action Within Schools (LAWS) program. When he arrived, however, he noticed something wrong: the class's teacher seemed "stunned."

She told him that one of her students had re-appeared that day after a three-month absence. "He went and got married in Trinidad and Tobago," says Emon, "which surprised the teacher, because to her understanding, he was starting to come out as gay."

Emon soon learned that this was not an isolated incident: stories of other Canadian teenagers being taken, often by family, and unwillingly married, for a variety of reasons, came to his attention. Realizing how powerless and uninformed such students were, he decided to reach out to them.

So began his work on *Youth Agency and the Culture of Law,* a curriculum project created as an optional tool for teachers. Designed for use in law and social studies classes, it contains resources to (in Emon's words) "get students thinking: about what it means to be part of a family, what it means to be a citizen, what it means to be a rights-holder when the law does not see them as so."

In addition to topics of potential interest to all students—such as guardianship, age of majority and consent laws regarding such issues as medical treatment—the project touches most pointedly on forced marriage, coupled with emancipation.

The Canada Research Chair in Religion, Pluralism and the Rule of Law, and a 2014/15 Guggenheim fellow, Emon sought and secured funding from a variety of institutions interested in this topic; in addition to the Faculty of Law, these included the Department of Justice (Canada) and the Factor-Inwentash Faculty of Social Work. Education on forced marriage "is the kind of issue our faculty should be sponsoring," says Factor-Inwentash Dean Faye Mishna, "because it's very complex and easy to stereotype. It fits with the idea we have in social work that such things have to be understood in a nuanced way."

LAWS, founded at U of T Law and now run in partnership with Osgoode Hall Law School, was also an important partner from the start. "For some kids forced marriage will be a live issue, and for others it won't," says Sarah Pole, director of LAWS. Pole says the curriculum jibes perfectly with the program's mandate to provide legal education, outreach and mentorship to help high school students understand the law and how it affects them.

In the 10 years since its inception, LAWS has seen proof that "kids take home the legal concepts they learn about at school, to translate them for their families. After we educate one person, the knowledge spreads." That said, knowledge about forced marriage is hard to come by. Fearing violence and expulsion from their families, victims are reluctant to talk. But a 2013 report conducted by the South Asian Legal Clinic of Ontario found 219 confirmed or suspected cases in Ontario and Quebec in a two-year period. Most, but not all, of those forced into marriage are female. The practice cuts across religious and cultural lines, and is considered a rising global problem.

In recent years, a handful of countries have enacted legislation specifically targeting forced marriage. Under the federal government's Bill S-7, Canada is set to be next. Passed in June, some say it is unnecessary in that it criminalizes acts that are already against the law (such as kidnapping, coercion and assault).

But the laws already in place have not done anything to eradicate forced marriage, and many wonder whether new ones will prove any more effective. Internationally, new legislation has not raised the rate of prosecutions to any appreciable degree.

Emon says that may be because a teenager forced into marriage stands to lose much if he or she presses charges. "Many might say, 'Why didn't you just say no?' But in some contexts, to say no is to exit the family. Your entire support network is lost. And the question then is, does the law help alleviate the cost? Does it have the capacity to step in when one of these kids loses everything?"

Which is why education—instead of more legislation—is viewed by some as a more desirable solution. Persia Etemadi has just completed her third year of U of T's combined JD/MSW program. As the curriculum's principal drafter, she and the team spoke with front-line service providers such as teachers and social workers to ensure that it was sensitive and effective from their point of view.

"We wanted to make it child-friendly, to use real cases and involve things that were happening in the media," she says. "We also included a graphic novel on forced marriage, produced by the South Asian Legal Clinic." Although the curriculum is mainly designed for schools, Etemadi stresses it could also be used by social agencies. It has now been translated into four languages besides English.

An important point was to make the distinction between "forced" and "arranged" marriages. "An arranged marriage might be to someone you don't know, but it's a process that you willingly involve yourself in," Etemadi says. "In a forced marriage, there's no consent. But consent with youth is a really tricky topic: you might say yes, but not actually be consenting. The clearest instances of forced marriage are ones that involve emotional, physical, sexual abuse or threats."

The team found teachers were enthusiastic about the graphic novel component, she continues, but were wary of giving students the message that forced marriage is a uniquely South Asian problem. "So we came across the *Maclean's* article, and put it in there."

The January 2015 article she is referring to, "Against their will: Inside Canada's forced marriages," details several different instances of forced marriage in Canada. Subjects include a Mexican transgender woman, as well as two former members of Christian communities. It clearly demonstrates that forced marriage is not endemic to one group or another.

And yet, many charge that Bill S-7 gives precisely the opposite message. The bill's title, the *Zero Tolerance for Barbaric Cultural Practices Act,* would seem to target some immigrant communities, while ignoring others.

Emon questions why Bill S-7's main ministerial supporter is immigration minister Chris Alexander, instead of the minister of justice. "When you take that name," says Emon, "and you place it within the bailiwick of the Ministry of Immigration, what you're signaling is that this is a 'foreign issue'. And by invoking the language of barbarism, you're implicitly invoking 19th-century notions of the white man's burden and colonial discourse."

But Nav K. Singh, JD 2000, strongly endorses the bill's contents, if not its inflammatory name: she stresses, however, that the name is not merely an invention of the Harper government. "South Asian women who are anti-violence activists and have worked in the field for decades have actually been calling for this particular name, because it speaks to their experience," she says.

Singh's practice in west-end Toronto and Peel region is strongly oriented toward social justice, with a focus on human rights, family and employment law. She is actively involved in trying to prevent the harmful effects of forced marriage, and believes criminalization of the practice will send a strong message, not only to her own Punjabi Sikh community, but also to many other afflicted individuals and communities.

When legislation has been passed against forced marriage (in Norway and the UK, for example), only a handful of prosecutions have resulted. But that's not the point, says Singh. "The aim is prevention," she says. "The hope is that people will not do it, because they fear prosecution." Furthermore, Singh points out that legislation often leads to serious allocation of resources to help implement the law, when the focus should actually be on preventative social programming.

her most prized possessions—before she could take them with her.

She thinks it's critical that safe haven be provided for girls and boys who do manage to escape. "You take teenagers who have lived in a very secure, tight environment," she says, "and the police put them in foster homes or group homes. They smoke, have a beer, go to the movies, date. But it's like going from the frying pan into the fire: they have freedom, but no guidance. And they cannot go back into the community that they have left."

That's why Allan Hux, a retired teacher and curriculum expert who advised on the *Youth Agency* project, believes that what could potentially occur after class is just as important as what happens within it. "We want teachers and guidance counsellors to have the tools and resources to help students if they need it," he says.

With 35 years of teaching experience, Hux knows that teaching sensitive issues within the classroom can spark conflict with parents: he cites the recent furor over Ontario's health education curriculum, as well as a controversial course on genocide, as two previous flashpoints. Teaching about forced marriage—and about youth agency in general—could be another one.

"In the early 2000s, the [Toronto] board created a policy about teaching such issues so it didn't get caught off guard," he says. The

> In the 10 years since its inception, LAWS has seen proof that "kids take home the legal concepts they learn about at school, to translate them for their families. After we educate one person, the knowledge spreads."

While Singh affirms that forced marriage is a cross-community problem, she still believes training in a cultural context is important. "In situations of domestic abuse, law enforcement officers might show up and say 'Oh, it's an arranged marriage; we're not even going to bother charging them because the women will just stay no matter what.' But the women don't want to say they've been forced. So police have to be more aware; to ask the right questions, and not just dismiss abuse because it's happening in a particular community."

As much educator as she is lawyer, Singh applauds the idea of informing teenagers on the subject. But she stresses that adult education is even more important. "Parents need to be told not to do this to their children," she says. "We need to start looking more at families; that's where the change needs to happen."

Front-line worker Aruna Papp believes more legislation will have a preventative effect, but is only a first step. The educator, human rights activist, author and speaker came to Canada from India in 1972, with the equivalent of a third-grade education and two small children. Trapped in a forced, abusive marriage to a man nine years her senior, she broke free when her children were teenagers. Once she had decided to leave the marriage, her husband burned all her books—

policy, *Teaching Controversial and Sensitive Issues,* advises teachers about conflict resolution, and ensures that any materials are steered toward the attainment of established pedagogical goals.

When Persia Etemadi embarked on her studies in law and social work, she may not have realized she'd be entering the world of youth education as well. But that, she says, has been one of the great gifts of her combined program. "I love this project, and I love being able to bring different groups together to target a social issue," she says. "I could certainly see myself doing policy or advocacy work down the road."

She also relishes the chance to get students thinking for themselves about what words like "marriage" mean in world that's always changing.

"We want them to talk," says Emon. "We want to create an environment where they can share their views, but also explore the different relationships we all have—whether to the state, to family or to each other. And the demands those relationships make on us."

Demands that, while challenging, should never—in any legal or social sense—cause outright harm.

Elementary, My Dear WATSON

IBM's computer goes to (tax) law school, start-up Blue J Legal launches, and artificial intelligence is about to make legal research easier

By Alec Scott, LLB 1994
Illustrations by Sonia Roy

FOR ALL ITS QUICKNESS ON THE
THAT WATSON LACKED ONE THING
"INTUITION—THIS WAY OF
HUMAN EXPERIENCE TO THE

The IBM computer that easily defeated *Jeopardy!* champion Ken Jennings is moving on to less trivial pursuits or at least more potentially marketable ones. Watson has become a whiz at oncology diagnosis, helping doctors determine and treat what ails their cancer patients. It has a cookbook out, with recipes featuring supposedly palatable mixes of seldom-combined ingredients.

Because being a chef and doctor's aide isn't quite enough, Watson is now studying the law. With IBM's blessing, some U of T professors and students are instructing Watson in tax law, in the hopes that it might, some day soon, become a trusty sidekick for lawyers, accountants and tax advisers. "We didn't just want to teach Watson the black-and-white questions, the many straightforward rules of tax law," says Ben Alarie, JD 2002, associate professor and the Faculty of Law's former associate dean for the first-year program. He's one of the interdisciplinary project's leaders. "Watson would be wasted on that. What we wanted, instead, was to have it address grey areas."

In the space of one hectic academic year, a team from the Department of Computer Science and the law school has been helping Watson get up to speed on the tricky distinction in tax law between employees and independent contractors. "I was skeptical coming in," another team member, Assistant Professor Anthony Niblett, says. "It was like teaching a child at first—and we're still learning how to teach it. But properly instructed, it assimilates rapidly. Now I would say I'm optimistic about the potential here, cautiously optimistic."

Indeed, the progress to date has been promising enough that a start-up is coming out of this process, Blue J Legal—Blue for IBM and for U of T, 'J' for justice, the short-form for judges in reported decisions.

For the humans working with Watson, the ride to date has been headlong. The students and professors have had the rare chance to grapple with this early form of artificial intelligence (AI), to gauge Watson's strengths and weaknesses. They've taught it about one area of tax law, but they've learned from it also, all while wrestling with one big existential question—will we humans become, at some point, superfluous?

Watson was built in part on lessons learned by IBM researchers in developing Deep Blue, the chess computer that famously lost to, then beat then-world champion Garry Kasparov in the 1990s. But Watson has gone further than its predecessor, learning to understand English, in all its foreigner-baffling complexity, with its byzantine sentence structures, its subordinate clauses, its synonyms and words with multiple, sometimes conflicting meanings. Language is "the holy grail," Watson's trainer-in-chief Dave Ferrucci is reported to have said, "The reflection of how we think about the world." In preparation for *Jeopardy!* , it was taught through questions and answers—all of the game-show's past questions were run through its system, as were many reliable reference works.

Last summer, IBM approached 10 of North America's top computer science faculties to propose that they help Watson master different areas of human lore as part of an effort to commercialize Watson's skill-set. U of T was the sole Canadian school on the short-list, and Mario Grech, a director of the Department of Computer Science Innovation Lab, had student teams come up with drafts of AI products, complete with business models and business plans, all of them in the field of law. "With law such a language-driven field, we thought this would be a good test for it," Grech says. He roped in Alarie to help judge his students' end-of-term presentations in December.

The team pitching a legal research tool won out over those targeting immigration and family law, and Grech was able to help the students further polish their presentation in advance of a competition held, in January, against the other nine schools at an IBM office tower in New York. This office focuses on promoting Watson, and it showed the team a film of Watson helping a doctor to diagnose a child with the rare Kawasaki Disease. "Watson is already proving a great aid to doctors," Alarie says. "It is promising for lawyers because it can add confidence to their decision-making."

The U of T team ultimately placed second, but impressed executives at IBM enough that they were willing to allow the team continued access to Watson.

"We began feeding it, what they call a 'corpus' of information," Alarie says. "In our case, a body of tax decisions, law review articles, statutes." At first, according to Alarie, teaching Watson the law was

UPTAKE, PROF. ALARIE NOTICED THAT MANY HUMANS HAVE: APPLYING THE BREADTH OF OUR CASE LAW."

slow going. He, Niblett, Professor Albert Yoon and joint JD/MBA student Ramin Wright would read the cases, feed them in, then ask Watson questions about the holdings, correcting wrong answers as they went along.

The method, as Alarie describes it, is surprisingly similar to the traditional Socratic method of instructing beginner law students. "Just as in first-year classes, we would change the fact-situation," Niblett says. "What about if this set of facts were the case? How does that change the decision-making?" Although Watson doesn't yet know how to accord more authority to higher courts than lower ones, it has already learned how to provide pretty reliable answers to the question of whether a certain worker is, for tax-law purposes, an employee or an independent contractor.

"With a law student," Niblett says, "You have to be careful of the amount of reading you give. Not so with Watson. Once we learned a bit how to teach it, the speed with which it assimilated the information was extraordinary." (Like Watson, Niblett has competed on *Jeopardy!* , bringing a respectable US$19,601 home from a sole victory scored on Christmas Day 2013. "I watched Watson play *Jeopardy!*—it was just beyond belief.")

Alarie comments: "Watson has this bandwidth that we just don't have. With a complicated multivariable test—like the one courts use in the employee-contractor issue—it can consider everything at once." The trained Watson, like an adept articling student, tells you which case is closest to being on point, as well as others that are nearly there.

For all its quickness on the uptake, Alarie noticed that it lacked one thing that many humans have: "Intuition—this way of applying the breadth of our human experience to the case law. Often, with much less material, we can extrapolate; we can communicate an accurate sense of the law. We do more with less."

In the short term, the plan is to teach Watson to handle other thorny tax-law distinctions: for example, the difference between capital gains and income, and between current expenses and capital expenditures. In the long term, the team hopes to set the diligent Watson studying other legal areas.

Alarie sees some potential for Watson-like AI applications to increase the ability of people of average means to access affordable legal advice. He's a longtime proponent of democratizing legal knowledge and, for years, he maintained a website annotating Canada's tax statutes with the holdings of many pertinent cases. "It sometimes would get as many as 50,000 unique visitors a month," says Wright, a former summer research assistant of Alarie's. "The difference with Watson is that you can update its knowledge more easily: just feed in the new material."

A recent assembly of AI experts in Puerto Rico predicted that, by 2050, computers will be able to do everything important better than we do, including skills we think of as particularly human ones—that they'll, for instance, drive better, diagnose illnesses better, write better, cook better, even practice law better.

Although impressed with Watson, the law school's team is not entirely convinced.

"I think what happened with the chess example is instructive," Wright says. "They found that the human player taking advice from the machine was the strongest combination, stronger than either of them alone." Blue J's tagline—"Making Professionals Better"—echoes this pro-cooperation sentiment, this idea that the two, human and machine, can work well together.

Alarie voices another argument for our continuing relevance: "Providing solid advice is not the only thing lawyers do. Having a good advocate by your side can bring immense psychological comfort. A strong, sympathetic lawyer can explain what's happening to clients in terms they can understand. That's simply not something Watson is equipped to do."

Read more about Blue J Legal: **http://www.bluejlegal.com**
A video about its progress to date: **http://bit.ly/1MWwfag**
New York magazine article on Watson: **http://nym.ag/1Ht5OqI**

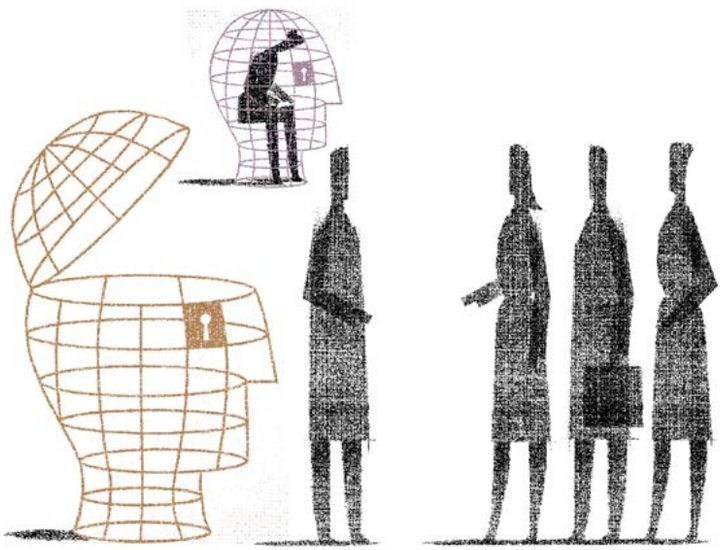
At the borders of citizenship

A report by the International Human Rights Program exposes Canada's legal 'black holes' that keep stateless, mentally ill migrants and refugees behind bars—sometimes for years

By Karen Gross
Illustration by Jim Frazier

When Uday* landed at Toronto Pearson International Airport in 2011, he'd been aware of his schizophrenia for more than 10 years. After a long flight, Uday was tired and hungry and long overdue for his dose of medication, which was in his suitcase. But when immigration officials took him to a holding room for questioning, Uday says they brushed off his repeated requests for his luggage. With no access to his medicine, he became agitated. And before even setting foot outside the airport, he was taken into custody. He was then hospitalized, and moved to detention. While authorities tried to confirm his identity and country of origin, Uday would ultimately spend three years in provincial jails. He was a prisoner, even though he had committed no crime and had no criminal record.

Uday's story is one of several featured in the eye-opening report *We Have No Rights: Arbitrary Imprisonment and Cruel Treatment of Migrants with Mental Health Issues in Canada*, released June 18, 2015 by the Faculty of Law's International Human Rights Program (IHRP). Thousands of non-citizens are locked up in detention in Canada, many of them refugee claimants and asylum seekers who have come looking for a better life. Even more troubling, migrants with mental health issues are frequently transferred to jails specifically because of these issues. The government maintains



these migrants can get better health care in jail, an argument that is refuted by lawyers, independent researchers and detainees who were interviewed for the IHRP report.

"It's nearly presumptive that if you have a mental health issue stereotypically associated with disruptive behavior, they'll transfer you to jail, ostensibly to obtain treatment," says Renu Mandhane, JD 2001, the report's editor and executive director of the IHRP. "In effect, what it means is a Canada Border Services Agency officer can say, 'Hey, you seem like you have some serious problems. I don't think we can deal with you here so we're going to transfer you to jail.'" The vast majority of detentions occur in Ontario, with more than half happening in the Greater Toronto Area (GTA).

In the course of their research, law students Paloma van Groll, JD 2015, and Hanna Gros, Class of 2016, along with Mandhane, uncovered some alarming legal black holes. There is nothing in the law, for example, that defines which detainees can or should be transferred to jail. And once they are in jail, it's not at all clear which authority retains responsibility over them—the Canada Border Services Agency (CBSA) or provincial correctional officials. Because Canada has no mandated legal limit on the length of time an immigration detainee can be held, some are left languishing behind bars for months and years with no clear end in sight. This situation leaves them with fewer rights than convicted criminals. It also puts Canada in a very special position, as one of the only standard-setting countries that does not impose either a legally mandated limit on migrant detention or a soft limit that's been determined by the courts.

"A criminal detainee knows they have a release date," Mandhane says. "At the end of their sentence, they get out. The anxiety of not knowing—I can't tell you how dehumanizing that is."

The upswing in migrant detention is something relatively new for Canada, whose reputation up until about a decade ago was one of welcome and compassion for refugee claimants and asylum seekers arriving at its borders. "Canada was seen as one of the better countries up until very recently," says Stephanie J. Silverman, PhD, a course coordinator at the U of T Centre for Ethics who has studied and written extensively about detention in the United Kingdom, United States and Canada. "Release was always preferable to detention. It really was kept as a last resort, which is how it must be if you're going to follow international law and human rights standards."

Things started to change, she says, with an increased emphasis on law and order. Canada adopted changes to its *Immigration and Refugee Protection Act,* accompanied by a new list of new regulations. Irregular arrivals from certain countries could be subject to mandatory detention, and authority over the CBSA had already been transferred from Citizenship and Immigration to Public Safety and Emergency Preparedness. Border agents became first and foremost officers of law enforcement tasked with keeping perceived danger out, rather than facilitating the entry of newcomers into Canada.

"There was no true forethought behind it," Silverman says. "It's sort of like an *ad hoc bricolage* of policies and practices and legislation that have come together, stripping the liberty of non-citizens." Adding to the confusion is what's known as "refugee roulette"—where you land can be even more important than where you came from or what your story is. Clear numbers are hard to come by, but it appears that proportionately, more people are detained, and tend to be detained for longer periods, in central Canada than on either coast. Migrants may be facing bigger hurdles in and around Toronto. "It seems that stuff that allows people to get out of detention in Montreal, for example, would not suffice in Toronto," Silverman says. "It's an arbitrary, regional variation."

According to Silverman's research, the CBSA claims it releases about three quarters of detainees after 48 hours and that 90-95 per cent of asylum applicants are released into the community. Nonetheless, according to the IHRP report, in 2013 the CBSA detained more than 7,300 migrants. Thirty per cent were held in jails, many mixed in among the criminal population. They wear prison-issued jumpsuits. They can be subject to lockdowns and periods of solitary confinement. Many don't speak English and have no easy access to interpreters or legal counsel. And some facilities, such as Ontario's Central East Correctional Centre, are hours away from the GTA, so visits from family and legal experts can be difficult.

"Why do they do it? Because they can," says Audrey Macklin, professor and Chair in Human Rights Law at the Faculty of Law. "The people who are affected are non-citizens. That means they don't vote. They tend to be vulnerable and powerless. But regardless of who you are, the law requires that if the state's going to throw you in detention, it has to justify it."

That's exactly what Macklin and other human rights experts say Canada is not doing. They argue the country is violating a raft of international agreements to which it is a signatory, in addition to its own *Charter of Rights and Freedoms.* With no external oversight, the CBSA appears to make random and arbitrary decisions that rarely get scrutinized. And monthly detention review hearings—mandated by law—are often conducted via video link, with the detainee appearing from jail while an Immigration Division adjudicator hears the case remotely. On paper, these hearings are supposed to ensure that detainees are held for solid legal reasons. But immigration and refugee advocates argue they're simply pro-forma exercises during which the adjudicator usually just rubber-stamps the previous month's decision.

"Unfortunately, the system is completely broken," says Renu Mandhane. "The reviewers are lay people, not legally trained lawyers or judges. They will only order release if there are 'clear and compelling reasons' to depart from the previous decision. It can be very difficult for detainees to meet this evidentiary burden."

François Crépeau, a professor of international law at McGill University who serves as the United Nations Special Rapporteur on the human rights of migrants, says Canada's mandated review system provides a safeguard against indefinite detention. But Crépeau says that in his experience "in certain cases the reviews can be somewhat pro-forma." And he adds, "Detention at random, if that is true, is very serious. Each and every detention should be specifically justified. There has to be evidence or at least shreds of evidence that either the person is dangerous or the person is a flight risk."

What counts for evidence can be questionable. Among the human stories the IHRPdocuments in its report is that of Anike*, who came from West Africa to study at a Canadian university in 2007. Anike was suffering from untreated mental health issues and was eventually forced to leave the university. With no student visa, she lived in and out of shelters until someone notified the CBSA. Anike wound up at the Vanier Centre for Women, a provincial jail. She's been diagnosed with schizophrenia but refuses to take medication. With the help of legal counsel she is applying for refugee status, but the Immigration Division says her fear of being deported to her home country makes her a flight risk. With no criminal background, Anike has been imprisoned for more than a year.

Paloma van Groll, who co-authored the IHRP report, says the interview with Anike hit her personally. "She was not that far from my age. She'd attended university around the same time as me and she'd been in jail for over a year on an immigration matter. It just seemed really unjust to me."

Extensive research has shown that even for those without pre-existing mental health issues, detention can lead to depression, anxiety, and suicidal ideation. For those who are already vulnerable, the consequences can be disastrous.

> "The threshold when an otherwise healthy person starts to crumble in detention is believed to be about 30 days," says Silverman. "So as the number of days increases, the likelihood of causing lifelong damage to those detainees also increases."

And although the government claims that detainees with mental health issues have access to better medical care in jails, lawyers and human rights advocates say that's questionable in practice. People with serious illnesses such as schizophrenia will receive medication in jail. But there isn't much support for detainees who are more commonly anxious, depressed or despondent.

"I think access to effective programs and counseling is the number one hurdle that I see," says Prasanna Balasundaram, a staff lawyer and a student supervisor at the Faculty of Law's Downtown Legal Services. "Whether they're detained at a provincial jail or IHC (Immigration Holding Centre), there is a base level of healthcare. But there may be detainees with particular mental health needs, and in my experience, it's been very difficult arranging treatment for those individuals."

Among the difficulties lawyers face is simply arranging for a psychologist or psychiatrist to visit a jail and conduct an assessment. Cost is a big issue. If they can even access legal counsel, many detainees do so by using Legal Aid certificates, which cap disbursements for assessments. Covering the costs of such visits, when the detainee is a two hour drive from the city, becomes a huge challenge. "There are very few psychologists or psychiatrists who are willing to actually visit an immigration facility and do that assessment for the amount legal aid allows," Balasundaram says.

Past criminality is another barrier. Many detainees with mental health issues have some associated criminal history. Once they've served their time for a criminal conviction, migrants will sometimes automatically be moved to immigration detention on the grounds that they're a danger to the public. Migrant detainees don't get access to the same rehabilitative programs as criminal prisoners do. And they aren't included in educational programs such as language skills, college courses or technical training. So it becomes even harder to prove they can establish successfully in Canadian society. In order to win their release, lawyers are obligated to put together very detailed and complex plans, which often involve treatment centres and other community programs that can guarantee supervision.

Further frustrating the efforts of detainees and their lawyers to win release is the roadblock they encounter if they want to appeal a decision by the Immigration Division. Immigration cases are heard in

Federal Court, which tends to move very slowly, and offers no right to *habeas corpus,* a court order that dates back to the *Magna Carta.* Under *habeas,* a detainee is brought before a judge who then decides if the detention is lawful. But *habeas* petitions are heard in provincial court. And right now, those courts do not hear immigration cases. This arrangement has been challenged by refugee lawyer Barbara Jackman, LLB 1976, who argues *habeas corpus* is a constitutional right, and must be available to everyone.

"The courts have said there is a complete comprehensive scheme in the Federal Court to review detention and therefore it's not necessary to give access to *habeas corpus* to someone who is on an immigration hold," Jackman says. "But if they're going to take away a constitutional right, that has to be justified in a free and democratic society."

So far, the Canadian government has been forced to justify few of its actions with regard to migrants and their sometimes endless detentions. Partly that may be due to the fact that, proportionally, Canada detains far fewer people than some other countries. But Audrey Macklin believes there's another rationale at play. It's not one she supports, but she thinks it's what the CBSA has come to understand as its role. "If you switch the frame and what you see is border control, and what you say is here's somebody who should have been excluded at the border, then it's just another kind of border control," she says. "So why do we have to justify that? It's our right as a state to keep them out and detention is just another form of border control."

With no independent body overseeing its actions or decisions, immigration and refugee advocates claim the CBSA simply does whatever it wants. While some individual officers have been compassionate a nd understanding with his clients, lawyer Prasanna Balasundaram says the lack of accountability is a huge problem. "I think there needs to be more oversight in terms of the CBSA as an organization," he says. "They are a law enforcement organization. Just as the police and the military have oversight, so should they."

When Mexican migrant Lucia Vega Jimenez committed suicide at the Vancouver IHC in 2013, many Canadians hadn't even been aware that migrants were being detained in their country. More recently, a 39-year-old CBSA detainee died in hospital June 12, 2015 in Peterborough, Ontario, and information about the incident remains unclear. These cases and several other much publicized detention cases forced Canadians to take notice. A coroner's inquest for the Jimenez case produced a long list of recommendations. But from the perspective of immigration lawyers and advocates, systemically, nothing has significantly changed.

"It's not self evident for the majority of the population that these people have essentially the same fundamental human rights as you and I," says François Crépeau.

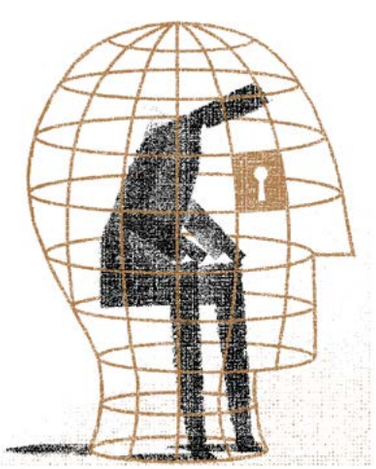
> "Only two rights are reserved for citizens: the right to vote and be elected, and the right to enter and stay in the country. All other fundamental rights are for everyone."

But Crépeau adds there is no international mechanism that would obligate Canada to do anything differently no matter how many conventions the government may be violating. Complaints to the UN Human Rights Committee, the Committee Against Torture, the Committee on the Rights of the Child, the Human Rights Council, "none of these mechanisms are mandatory," he says. "It's all advisory. You make a report. You name and shame. And then the report is in the hands of the NGO community in Canada and they will pester the government. And that report will feed into the next report." But all those reports will build pressure, Crépeau says. And eventually, that pressure will force a change.

In Europe, many countries have already imposed strict time limits on detention, and after parliamentary hearings in the United Kingdom, a time limit will likely be imposed there as well. Even in the United States, which held some 440,000 people in detention at various times during 2013, there is growing pressure to find a better way. Among the many recommendations in the IHRP report is a comprehensive scheme of more humane, less costly and more effective alternatives. "We are strongly arguing that if you have any mental health issue, you should not be kept in a provincial correctional facility," says Paloma van Groll.

Stephanie Silverman and others are pushing for alternatives to detention programs and practices that would apply to all migrants, not just those with mental health issues. She likes the Community Assessment and Placement Model (CAPS) which presumes release first, and offers a specific set of guidelines that can be adapted to any country. CAPS focuses on community-based alternatives featuring high quality legal access and social services along with monitoring and enforcement. Silverman says these alternatives cost between $10-$30 per day, compared with $239 per day to hold an immigrant detainee in jail. Currently, the only official alternative to detention is the Toronto Bail Program, which pre-selects its candidates and serves a very small number of people.

Change is incremental, Silverman says, but she has reason to believe it may be inevitable. Recently, she attended a UNHCR global roundtable on alternatives to detention. There were more than 25 governmental asylum and immigration units in attendance, including a sizeable delegation from Canada. "The Canadian government sent many people," she says. "So it seems they're looking for answers as well. It doesn't seem as rigid as we think. It gave me hope."



** Names have been changed to protect the privacy of detainees*

Prosecuting Modi:

Alumnus Louis Century and the legal case against the Indian prime minister

By Andrew Stobo Sniderman, JD 2014
Photography by Gordon Hawkins

In late March, Louis Century, JD/MGA 2013, was working on a Sunday afternoon in the office—as civil litigators do—when a partner named Marlys Edwardh came up to him in the coffee room and asked, "How busy are you?"—as partners do. He was about to get busier. Within three weeks Edwardh and Century would be in court arguing for criminal charges against the elected leader of more than a billion people, Indian Prime Minister Narendra Modi. They came closer than you might expect.

Modi's three-day tour in April of Ottawa, Toronto and Vancouver was the first visit to Canada by an Indian prime minister in more than four decades. Stephen Harper warmly welcomed "a man whose India dream has given hope to millions." They promptly signed an agreement to sell more than 7,000 pounds of Saskatchewan uranium for Indian nuclear power. Modi was met with mostly rapturous crowds during the length of his stay. However, on April 15th, the same day that Modi spoke to 10,000 people in Toronto, lawyers were arguing in court about whether he should be arrested for supporting torture.

Before Modi was elected prime minister, he was the leader of an Indian state named Gujarat, whose population is about twice Canada's. It was on Modi's watch, in 2002, that more than 1,300 people, mostly Muslims, were murdered in communal violence that also displaced over 100,000. Modi's role in this violence remains in dispute, and despite investigations within India, he has never stood trial.

A non-governmental group named Sikhs for Justice wanted to change that, so they hired Edwardh and Century's law firm, Sack Goldblatt Mitchell, now Goldblatt Partners, to make the case. After a few weeks of intensive research, a public letter was sent to the Attorney General outlining arguments for Modi's arrest on Canadian soil. The brief argued that Modi "aided, abetted and counseled in relation to an organized massacre of thousands of Muslim Indians, and that Modi may be charged and prosecuted for torture and genocide under Canadian law."

On April 15th, while Modi was in Toronto, the legal hoop-jumping began in earnest. The basic idea was to initiate a "private prosecution," which is a prosecution initiated by the complaint of a private citizen. Edwardh and Century went to Old City Hall to present evidence supporting the charges. To their surprise and satisfaction, a justice of the peace named Andrew Clarke then secured a courtroom for that very morning for what is called a "pre-enquête," a hearing to suss out whether there are sufficient grounds for a prosecution. A typical wait time for a courtroom at Old City Hall is often upwards of a month, but this was not a typical case.

Edwardh, a celebrated human rights lawyer, led oral argument. She cleared two preliminary hurdles deployed by Crown lawyers. First, the justice of the peace declined to rule initially on whether the proceeding was barred because of state immunity. Second, the justice of the peace declined to delay the proceedings to give the Crown "reasonable notice." The notice that the Crown wanted would give Modi enough time to leave Canada and render the whole matter moot. So on the pre-enquête went, and it proceeded to examine the merits of the evidence against Modi. There would be a decision by the end of the day about whether Modi should be hauled into Court.

Before he tried to prosecute Modi for torture, Century defended accused Sudanese war criminals. One summer during law school, he worked at the International Criminal Court (ICC) on the defense team of Abdallah Banda and Saleh Jerbo, two rebels in the conflict in Darfur, Sudan. The two men were alleged to have attacked a camp of international peacekeepers. In the years since, the case has not proceeded to trial, and Jerbo was shot dead in combat. Charges against their adversaries in the Darfur conflict, including the president of Sudan, Omar al-Bashir, have also languished. "I wasn't naïve about the capacity of the ICC to accomplish its unspeakably large mandate," Century says. "But I've always been drawn to emerging institutions in international law."

By the time he arrived in first year, he had already worked for the United Nations High Commissioner for Refugees in Nairobi, Kenya, and for the International Campaign to Ban Landmines in Lusaka, Zambia. Then came summer work with the International Criminal Court, the Canadian Council for Refugees and the David Asper Centre for Constitutional Rights. He also squeezed in a master's degree at the Munk School of Global Affairs alongside his JD.

After graduating, Century continued at the Supreme Court of Canada, where he clerked for Justice Richard Wagner. That year, a high profile case about torture was heard, called *Kazemi Estate v. Islamic Republic of Iran.* The case was about whether the government of Iran could be held civilly liable for torture by Iranian officials of a Canadian citizen. The answer, under a current Canadian law, the *State Immunity Act,* was no. But this statute does not rule out criminal prosecution of foreign government officials, and there are Criminal Code offences with universal jurisdiction extending beyond Canada's shores. Hence the effort to have Modi arrested. In theory, a government official who supports torture in Gujarat can be arrested in Toronto.

Back in the courtroom, at the end of a day argument, Justice of the Peace Clarke released his decision: Narendra Modi should appear before a Canadian court to face the criminal charge of torture under section 269.1 of the Criminal Code. Clarke was satisfied that there was evidence on each element of the offence, and the charges were not frivolous. The only question was whether to bring Modi to court through a "summons," or to arrest him.

It was at this point—after charges were issued—that the Crown pulled the plug and withdrew the charges. No matter that a judge had just decided there was a *prima facie* case against Modi for torture. At the end of the day, it is the Crown that must conduct a prosecution, and when they decide against doing so, it is almost impossible to overturn the decision. No doubt the Crown was aware it is rather hard to conduct international relations when heads of state get arrested on diplomatic visits.

As far as media coverage goes, the failed legal effort was a success. The case against Modi was featured in media outlets across Canada, including in the *Toronto Star,* the *National Post,* and the *Globe and Mail.* The story also received extensive coverage in India in *Indian Express,* the *Hindu,* the *Times of India,* and the *Hindustan Times.*

As for Century, did he ever expect Modi would actually get arrested? "To be frank, no," he admits. "But the point was to raise awareness around serious allegations that have never been tested in court. The Crown may refuse to proceed, but the public should know about that decision."

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UNIVERSITY OF TORONTO
FACULTY OF LAW

ENTER STAGE RIGHT

HART HOUSE HAS A NEW WARDEN, AS ALUMNUS JOHN MONAHAN TAKES THE HELM

By Lucianna Ciccocioppo
Photography by Nick Wong

Nothing is ever wasted in life, John Monahan, JD 1998, tells me. Sitting in his 17th-floor executive director's office at the Mosaic Institute, the tall and tortoiseshell-bespectacled former diplomat, bureaucrat and practicing lawyer stresses the point exuberantly into my tape recorder, after I asked him about one line that stood out to me on his particularly and perfectly maintained LinkedIn profile:

Interests: ...write and perform sketch and improv comedy ...

"I joke that 75 per cent of the people that have worked with me, or for me, would walk through fire for me. The other 25 per cent would want to light the match. The ratio is pretty good but I'd like it to be even better."

Post 9/11, he was Ontario's consul in New York, diplomacy and advocacy skills put to intense use to promote trade. One day he was untangling New Jersey tax questions affecting Ontario's commercial truckers, the next showcasing the province's tourism and travel gems to American media.

In his downtime, he took classes and worked the NYC improv scene with friend and classmate Rachel Sklar, LLB 1998, "in the little performance spaces in the recesses of Brooklyn or Queens or whatever... We did tons of writing together and we laughed incessantly. It was a wonderful way of relieving the stress and tension of working in a busy consulate where there were high expectations and constant demands from all quarters."

Monahan, however, is no stranger to taking on challenges. He was in his early 30s when he left his first Ontario ministry job in Toronto to go to law school—not to *be* a lawyer but to *become* one.

"I saw it as an opportunity to complete my education. It was an opportunity to prove to myself that I could do it. And it's the best decision I ever made—hands down."

About three years at Faskens, four years as the province's consul in NYC, then back to Toronto to direct and build out Ontario's network of economic offices around the world. After more than a decade in a for-profit world, in 2008 he moved into the non.

"...No grand design. I kind of subscribe to that old joke: if you want to make God laugh, tell Him you've got plans."

As executive director, he ramped up the research and programming agenda of the Mosaic Institute, and engaged Canadian youth with direct experiences of overseas conflict in discussions (local) and peacebuilding projects (global).

Which has led him to here, back on the University of Toronto campus to head up Hart House, the co-curricular cradle of this university, with its gothic halls housing athletics, activities, debates, events, theatre, music space and quiet space—and pub nights.

He starts in August. How will the new warden lead and keep everyone from millennials to alumni engaged in their House?

He has a vision. "Hart House is not only a physical space, with a tremendous legacy and a really unlimited potential, but it's also a virtual space, for community building and for creating an even more inclusive university, and for connecting in more creative ways with the city, the province and the world," says Monahan. But first, he'll lead by listening.

"I think I'm really fortunate. I can only imagine there must have been some kind of administrative error. I'm really, really happy."

And he's writing comedy sketches again, with a new partner. "We're starting to work on some projects that could be delivered by another medium very soon. It won't necessarily be live performance, but it will be something equally funny."

The diplomatic lawyer with a funny bone says he's right where he wants to be.

"It's not like I'm abandoning the other chapters of my career. I think each one leads to the next stage somehow, and that hasn't failed me yet."

Because nothing is ever wasted.

WHAT IS Religious Freedom Good For?

By Anna Su, Assistant Professor, Faculty of Law
Illustration by Keith Negley

The question in the title seems strange because the answer seems obvious. People should be able to believe and freely practice their faith. But that answer does not fully capture the complexity of the role that religious freedom plays on the global stage as well as on domestic fronts today.

On the one hand, there is no lack of examples of religious persecution. For instance, the rise of ISIS in the Iraq-Syrian border was catastrophic for many so-called infidels and apostate Muslims that the group has killed or driven out. Systematic persecution of particular religious communities happens in many other countries, such as in the Central African Republic and in Myanmar. But on the other hand, there is also an increasing amount of criticism directed towards the promotion of international religious freedom by Western governments, as well as various nongovernmental organizations. Among many others, a main complaint is that foregrounding religion as the main explanatory framework for global conflicts breeds sectarianism even more. It turns out that, when we get to the question "What is religious freedom good for?", who claims religious freedom and why matters, and determining the permutations of those questions is more important and helpful in clarifying the discussion than waving a general banner for religious freedom.

In early 2013, Prime Minister Stephen Harper established the Office of Religious Freedom within the Department of Foreign Affairs, Trade and Development. The move followed the American model of creating an institutional apparatus to incorporate religious freedom promotion in Canadian foreign policy. Its first and current ambassador, Dr. Andrew Bennett, a former civil servant and dean of a Christian college, has since then propped up in several global hotspots to speak out on behalf of Canada against religious persecution. This North American partnership was in full view recently during Ambassador Bennett's joint tour of Southeast Asia with his American counterpart Rabbi David Saperstein.

Similar to the American office, the Office of Religious Freedom aims to raise awareness about the issue and provide financial support to organizations abroad for relevant activities. But this model of promoting religious freedom, a recent development which has also attracted European followers (and led to the creation of an International Panel of Parliamentarians for Freedom of Religion or Belief), has been chastised by many, first as emanating from the Christian lobby and therefore biased, and second, as an unhelpful and in fact, a rather harmful approach to dealing with geopolitical crises. By focusing on religion, governments end up over-simplifying the roots and causes of the conflict concerned, and in certain cases, produce and reinforce a narrative of sectarian divide where there is none. Finally, religious freedom promotion by governments serves as a form of control of the state by individuals, through recognizing certain religions and excluding others.

But persecuted communities and individuals also use the language of religious freedom. Take the case of Iraqi Christians, or more accurately, Assyrian Christians. As with other Christians across the Middle East, they do not simply identify as Christian but hold multiple allegiances. The argument is that because the "religious freedom" discourse in the West only recognizes religion but not ethnic or other types of affiliations, the persecuted communities purposefully refer to themselves as Christians in order to capture Western attention. By framing the narrative as revolving around religious liberty alone, we exclude the ethnic and nationalistic component of their struggle and therefore risk missing their main objectives, which is not only to practice their religion freely but to keep their homeland. However, it is also true that these persecuted communities are persecuted especially because of their religion—ISIS, after all, demanded that Iraqis in Mosul convert to Islam or face execution.

Religious freedom, like human rights in general, is a malleable tool of politics. It is necessary to disabuse ourselves of the notion that religious freedom is a timeless and universal moral good that stands above the vicissitudes of the human condition. Consider the fact that the birth of religious freedom during the 1648 *Treaty of Westphalia* was as much about the freedom to worship of warring European princes as it was about the recalibration of power and authority within and without the Holy Roman Empire. Three hundred years later, while the guarantee of individual religious freedom in the *Universal Declaration of Human Rights* is a reflection of the ascent of human dignity as a principle of international law, it was also the result of a deliberate Anglo-American effort to ensure that minority group protections erstwhile present in the Covenant of the League of Nations would never be revived.

But this does not mean that we should leave global religious freedom promotion efforts for dead. Here, a conundrum exists. Religious freedom presupposes that one is claiming religious freedom. But if we take these criticisms to their logical conclusion and religion is just a smokescreen or proxy for other values and factors in a conflict, what is then left of religious freedom, especially insofar as it is articulated as an international human right? Who should speak for religious freedom and how should states respond to politics couched in the language of religion? There is indeed a danger involved if governments are mired in the world of religion, but current debates appear to take the extreme position on either side without acknowledging that both the principle and law of religious freedom could possibly be at once a tactic and a moral good.

This is an age where both extreme belief and unbelief coexist. If religion is to be taken seriously, the age-old idea that the human conscience is free to believe and worship should be a responsibility for everyone.

Professor Su's research focuses on law and history of international human rights law, U.S. constitutional law (First Amendment), and law and religion. Her research has appeared in the *Vanderbilt Law Review,* the *International Journal of Constitutional Law* and the *Journal of the History of International Law.*

Q+A *with Justice Gloria Epstein, LLB 1977*

On the transformative powers of law, challenges—and snakes

Interview by
Lucianna Ciccocioppo

Photography by
Jason Gordon

LC: Thank you for volunteering as president of the Law Alumni Association these past two years. What were the highlights of your tenure?

GE: Two things. First, getting to know and working with great people, the other members of the association who volunteer their time for the school, the law school staff, and the faculty, particularly two terrific deans. The other part was working with the LAA and the school toward enhancing the association's value to the law school by increasing the communication surrounding issues the school is facing. I am very pleased about the progress made in that area.

LC: Let's talk about a milestone case in your career. What do you look back upon and think 'I made a difference there'?

GE: The biggest one has to be *M. v. H.*—identified as the landmark case on the rights of equal treatment of same-sex couples under the Constitution. The case came before me in my second week as a judge. Eventually I heard the constitutional argument. I held that the exclusion of same-sex couples from the definition of common-law spouses under the *Family Law Act* was a violation of equality rights under s. 15 of the Charter that could not be saved by s. 1. The decision was ultimately upheld by the Supreme Court. I am enormously proud of the part I played in that case, in that particular development of Canadian law. It's one of the shining aspects of our society. Canada really has led the way in treating people of all types of sexual orientation equally, giving them the dignity and respect they deserve.

LC: When did you know you wanted to be a lawyer?

GE: I don't think there was ever a 'voilà' moment. It kind of just happened. I graduated with a commerce degree from Queen's University and thought, 'Well, I have a business degree so I better have a business.' So, I bought a fishing camp on an island on Lake Temagami in northern Ontario. What an ordeal. I cooked on the cook's day off, bartended on the bartender's day off, did the laundry, cleaned the rooms, ordered the supplies, did the books, marketing—you name it. One of my most vivid memories is when I had to pull a snake out of a water pump on a freezing cold winter morning. I also formed wonderful relationships with the Ojibway of the Bear Island Indian Band. Little did I know how the many experiences from my camp days would impact my legal career. But I realized that running a fishing camp was not my life's calling—might have been shortly after the snake incident. I had to move on. My brother-in-law was my confidante and a lawyer. He suggested law. I went to a gym in North Bay, wrote the LSAT and was accepted into U of T law. I guess you could say I ended up in law school more by happenstance than by design.

LC: Tell me about your law school experience and your student days. What stands out? It couldn't have been easy in the 1970s.

GE: You're right. There were changing dynamics at the time involving women in law. The adjustment was not necessarily easy. There weren't many of us. I think on a personal level my experience in law school can best be described by overlapping challenges. One was simply the intellectual rigour of U of T law, particularly after two years on an island in northern Ontario. I had catapulted myself into a dramatically different environment. I was surrounded by people engaged in high-level academic pursuits. I still had my fishing camp boots on. And, I had no money. During first year law, I worked four nights a week as a cocktail waitress and one night as a coat-check girl.

LC: Where did you work?

GE: I was a waitress at The Pinnacle Restaurant at the top of the Sheraton Centre and checked coats at Don Quixote Restaurant. In my second year, I got married. My first child was born in the fall of third year law. As I say, my time at law school was challenging. But I would not change any of it. It was exciting. And law school, together with the fishing camp experience, made me strong, very strong.

LC: What was it like to launch one of the first women-owned firms in 1985, Gloria Epstein and Associates?

GE: When I was expecting my third child, I decided to start my own firm for two reasons. The main one was I thought I could have more control over my life and have more time for my family. And second, I saw it as a challenge—hmm, there is a theme emerging here! Anyway, at the time, there weren't many, if any, women-owned law firms.

LC: How did your background and your upbringing inform your career?

GE: I came from a background that can only be described as impoverished. My parents were poor and unsophisticated. My mom, in fact, had only a Grade 3 education. My dad died when I was a teenager. Recently, following my mom's death, I reflected on my family life and it dawned on me that when I went to Queen's I had left a home with only one book other than my school books—the Bible. Imagine leaving a home with no books and ending up in law. To this day I am constantly aware of the effects of my upbringing—not necessarily bad, but certainly there is a difference. One of the most significant differences might well be insight into people and their lives, something important to my work as a judge. I am profoundly interested in people—people from all segments of our society. This interest has really marked my career.

LC: What do you think are some of the key challenges on the bench these days?

GE: Adjusting to change. In the more than 20 years that I've been a judge, there have been tremendous changes in law—most significantly, the *Charter*. Institutional changes. Changes in the profession. Changes in society. We have to keep pace. It is not that easy but it is essential.

LC: Now that you are supernumerary, what do you envision doing?

GE: When I told our wonderful new chief, Chief Justice Strathy, that I was going supernumerary, I said "George, I'm not pulling back, I'm spreading out." I am at the office all day every day, as always. But I have more time to spend on my work. More time to be involved with professional organizations, to teach, judge moots and the like. More time to engage in the community and serve the public in various organizations. So I have done what I told the chief I would do. I have spread out. And it's great.

LC: You've received numerous prestigious awards for your community work and women's advocacy, including U of T's Arbour Award and the YWCA's Woman of Distinction. Why do you do it?

GE: Two reasons: because I can and because I care. I have the resources, the energy level, the support that allows me to contribute to the community. And I have the initiative—I genuinely care about the people in our community.

LC: Where do you see yourself in 10 years' time?

GE: Middle-aged.

LC: So, you've only just begun?

GE: Yep, I'm just getting started; 10 years from now, in addition to being middle-aged, I hope to have the same level, or maybe even a greater level of engagement in the three areas of my life that are so important to me: family, the legal profession and the community.

Read the full version of the Q & A online: **http://uoft.me/epstein**

@mikehenry1: Leaving #yeg via @aircanada to #yyz -looking forward to seeing @Ella_Henry cross the stage and get her #J.D. from @UofT #proudpapa @UTLaw

@UTLaw: See you soon, "Dad"! #UofTGrad15

@UofT: Congratulations to graduands from @munkschool, @UTLaw and @UofTGradlife who are graduating this morning! #UofTGrad15

Photography by Jeff Kirk

CONVOCATION 2015

More than 200 Faculty of Law graduates celebrated their hard-earned degrees with family and friends on June 5th, as Dean Ed Iacobucci presided over his first convocation as dean, and esteemed American economist Dr. Paul Volcker, he of the "Volcker Rule", received an honorary doctor of laws.

Alumna and past president of the Law Alumni Association Justice Gloria Epstein welcomed grads and guests at the traditional award luncheon, and Dean Iacobucci congratulated all the award winners. For the honours selected by students, Professors Tony Duggan and Martha Shaffer received the Mewett Teaching Award, Marita Zouravlioff gave the valedictory speech, and Prof. Duggan gave the Hail and Farewell.

1966

ARTHUR DRACHE, LLB: Grateful to be the inaugural winner of the prestigious Jane Burke-Robertson Award of Excellence in Charity and Not-for-Profit Law, which was awarded in Toronto on May 29 by the Canadian Bar Association. It was established by the Section in 2014 to recognize, honour and celebrate a lawyer who has made an exceptional contribution in the development of charity and not-for-profit law in Canada. The award is named in memory of the late Jane Burke-Robertson in recognition of her outstanding commitment to the CBA and her many contributions to the specialty of charity and not-for-profit law in Canada.

1970

ALF KWINTER, JD: Honoured to be the recipient of the Ontario Bar Association's Excellence in Insurance Law Award for 2015. Singer Kwinter has once again been named a Top 10 Personal Injury Boutique firm in Canada by *Canadian Lawyer*. This is the third time we've received this recognition.

1974

BARRY LEON, LLB: In March, I was appointed the commercial judge of the High Court of the Eastern Caribbean Supreme Court (ECSC), succeeding Justice Edward Bannister QC, who held the position since 2009 when the division was established. The commercial division of the Court is located in the British Virgin Islands (BVI), and is a well-respected busy commercial court, supported by the Eastern Caribbean Court of Appeal, and with an ultimate appeal to the Privy Council. The ECSC is a superior court for the Organisation of Eastern Caribbean States.

1977

JONATHAN FRIED, LLB: I am honoured to report that the Canadian Council on International Law has bestowed its inaugural Public Sector Lawyer Award on me for my career-long service and contribution to advancing understanding and respect for international law, and to the development of international law in Canada. I have completed my term as chair of the World Trade Organization's General Council, but remain Canada's ambassador and permanent representative in Geneva.

1984

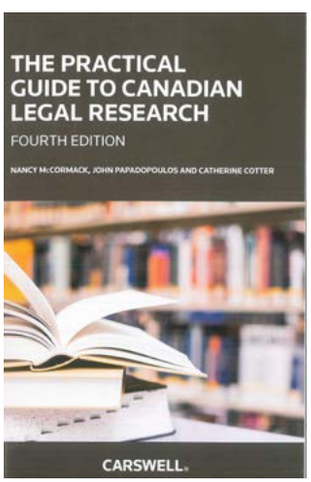
ALASDAIR ROBERTS, JD: I've been appointed a professor of public affairs, law and political science at the University of Missouri. In fall 2014 I received the Grace-Pépin Access to Information Award for my research on open government in Canada.

1988

ALISTER HENSKENS, LLM: I was elected to the New South Wales Parliament, 28 March, in Australia. After eight years as a solicitor, and 19 years as a barrister (appointed senior counsel in 2011), I have swapped a corporate practice specialising in insolvency, banking law and defamation for a new career in politics. I was preselected by the Liberal Party of Australia to contest the seat of Ku ring gai, the safest seat in Australia at the time of the preselection. It is a seat that has had only four previous members, including two premiers and an attorney general. While at the Faculty of Law, I wrote my LLM thesis on political speech and the law of defamation on a Rotary Foundation scholarship. At U of T, I lived at Massey College, where I met my future wife, Dr. Nancy Cushing (Master of Museum Studies 1989). We live in Gordon, a suburb of Sydney, with our two teenage children, Georgia and Angus.

1993

JOHN PAPADOPOULOS, LLB: The new edition of *The Practical Guide to Canadian Legal Research* (4th ed.), which I co-authored with Nancy McCormack, JD 1998, and Catherine Cotter was published by Thomson Reuters Carswell in May 2015. The previous edition has been adopted by a number of legal research and writing classes at law schools across the country, and can be found in the collections of most major academic libraries in North America, as well as libraries in all the major common law jurisdictions. The new fourth edition contains substantial revisions to the text, with most chapters completely re-written and others updated and re-arranged to reflect how legal research is taught and conducted today. I am now the Nicholls Librarian and director of the John W. Graham Library and Trinity College Archives, at Trinity College in the University of Toronto.



1995

PAUL HORWITZ, LLB: I'll be a visiting professor at Harvard Law School in the winter term of 2016, teaching courses on the First Amendment and "The Oath and the Constitution." Recent publications include articles in the annual Supreme Court issue of the *Harvard Law Review*, "The Hobby Lobby Moment," at 128 Harv. L. Rev. 154 (2014), and in the *Supreme Court Review,* an annual publication of the University of Chicago Law School. Other recent publications have appeared in the *Virginia Law Review, the Michigan Law Review, and the Boston University Law Review*, among others. I am scheduled to give endowed lectures at the law schools of Villanova and the University of Western Ontario. I'm working with Harvard University Press on my third book, on social class and the American legal academy. I'm the Gordon Rosen Professor of Law at the University of Alabama School of Law.

1998

ALISSA HAMILTON, JD: Summer has finally arrived here in Toronto. Ran on empty in the spring doing a media tour for the launch of my book *Got Milked? What You Don't Know About Dairy, the Truth About Calcium, and Why You'll Thrive Without Milk*. For someone who continues to survive without a cell/smart phone and has no social media presence, the sudden round-the-clock conversation is both exciting and exhausting. I seem to have struck a nerve. Thank goodness for good friends Ghada Sharkawy and Lisa Austin, and my little dog Dixi, all who continue to give me the strength to fight the distortions and misrepresentations of my words.
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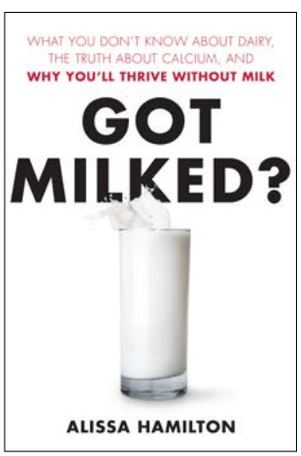


TAMARA KRONIS, LLB: My jewellery business, Studio1098, has been getting some great press. I've been on CHCH, Rogers TV, and was written up in the *Toronto Sun* and *24 Hours*. BlogTO has also recognized Studio1098 on its "Best of Toronto" lists twice this year, as one of "The Best Jewellery Stores in Toronto", and one of the "Top 10" places to buy a diamond engagement ring in Toronto.

I'm putting my law degree to excellent use! In March 2015, I returned to Bolivia on a second volunteer contract through CESO (the Canadian Executive Service Organization). My assignment was to work with the CITE Jewellery School in La Paz to help it develop a jewellery marketing course to add to its curriculum. While there, I worked with municipal officials from the City of La Paz and faculty at the school to develop the course and also did several technical jewellery demonstrations for students and alumni of the school.

One of the highlights of my trip (especially given my role last year as John Tory's campaign director of operations) was riding La Paz's brand new municipal public transit cable car "El Teleferico".

1999

THOMAS TELFER, SJD: I'm a professor of law at Western University, and published *Ruin and Redemption: The Struggle for a Canadian Bankruptcy Law, 1867-1919* (Toronto: University of Toronto Press, Osgoode Society for Canadian Legal History, 2014).

2000

PETER NGUYEN, LLB: I was honoured to be awarded the International Law Office/ Association of Corporate Counsel 2015 Global Counsel Award in the general commercial category, selected from among more than 4,000 individual nominations from corporate counsel and law firm partners identifying those in-house counsel, both teams and individuals, who excel in their specific roles. The winners were announced June 11 at a gala dinner and awards ceremony, the ninth annual, in New York. I am currently the SVP corporate affairs, general counsel and corporate secretary of GuestLogix Inc., a Toronto-based technology company where I have led and managed the law department for the past five years.

2004

CHRISTOPHER HEER, JD: My intellectual property law firm, Heer Law, has completed its first year of operation and has received an international award for being the Best Newly Launched IP Firm in Canada, as well as an award for Excellence in Information Technology IP in North America.
www.heerlaw.com

Send your Class Notes and photos to:
nexus.magazine@utoronto.ca

By **Sébastien Thibault**
Article **After the Paris Attacks**

I agree with Prof. Kent Roach, who said that "If everything is security, nothing is security."

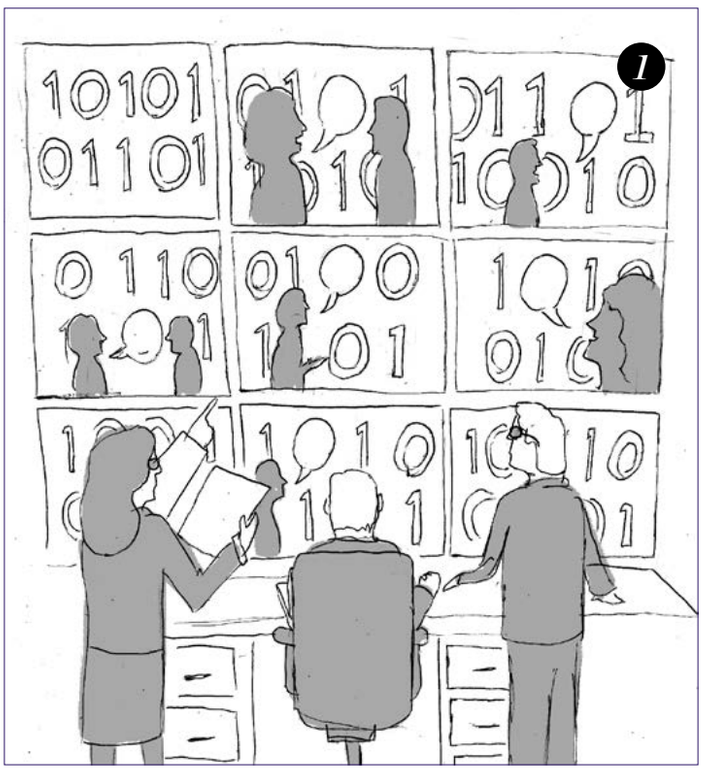
So I created three distinct directions for the illustration:

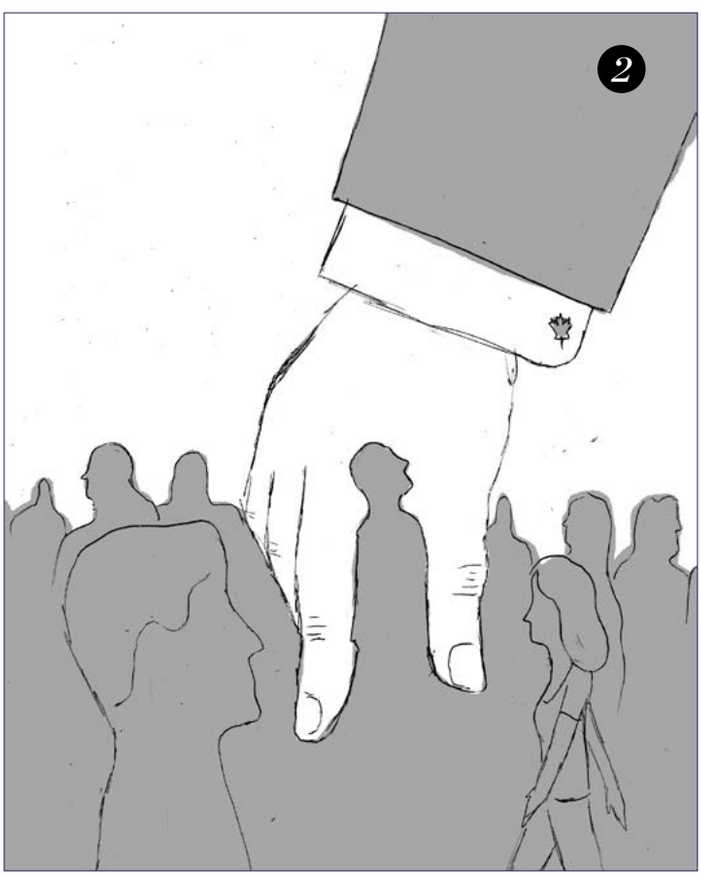
1. Government secret services intruding into people's personal data;

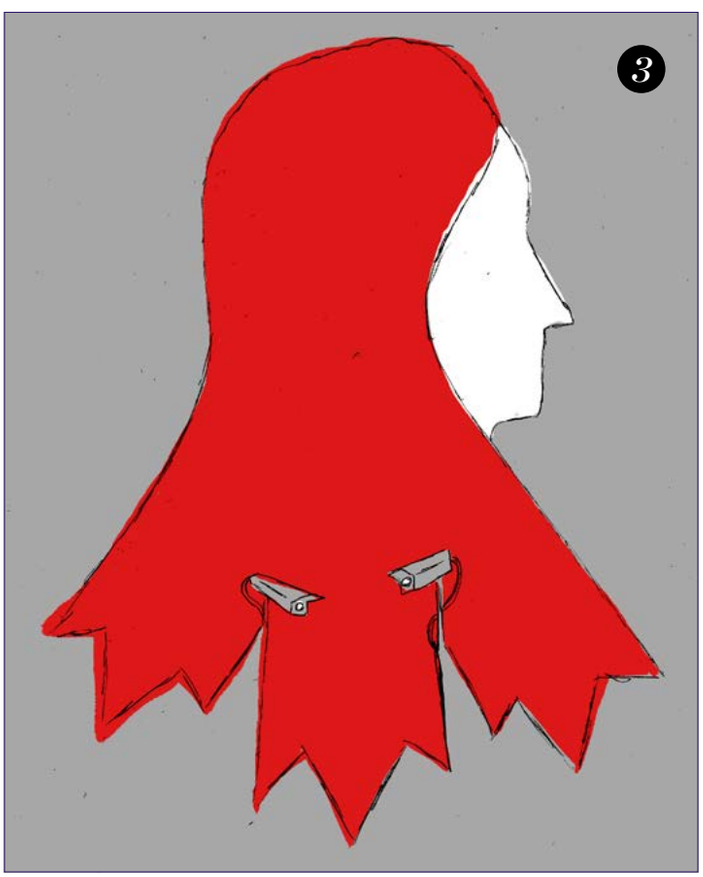
2. The government isolating people in a crowd;

3. The risks of isolating ethnic communities rather than working with them.

Good collaboration with the art director produces the winning concept. I like the final selected—it's the most original.







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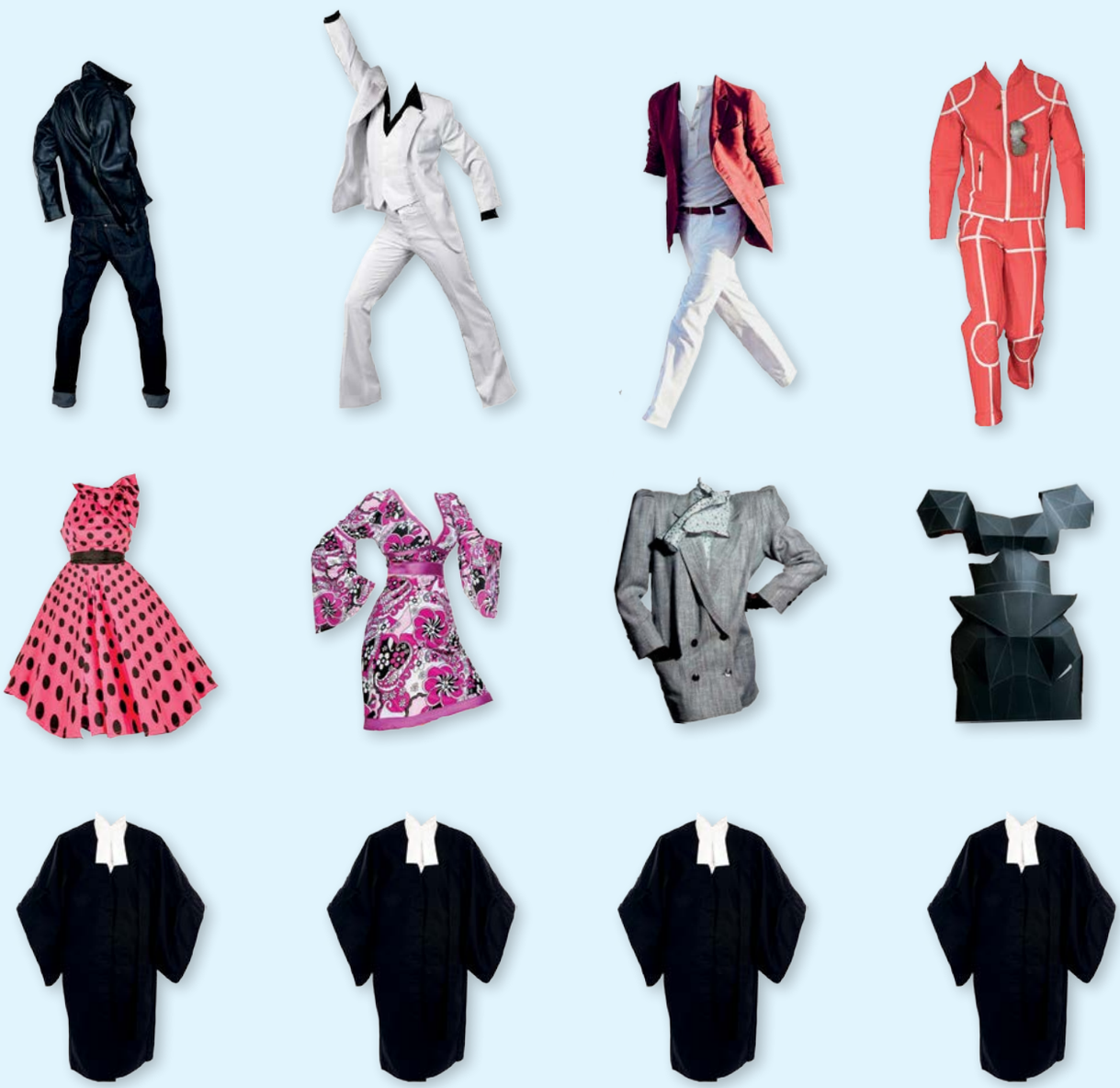

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