



**The Canadian Association of Black Lawyers**  
**Annual Lucie and Thornton Blackburn Scholarship**  
**sponsored by Fasken Martineau DuMoulin LLP**

**Terms of Reference (2015)**

**Scholarship**

Fasken Martineau and the Canadian Association of Black Lawyers are proud to make available the Lucie and Thornton Blackburn Scholarship in the amount of \$5,000 to be awarded on the basis of financial need to a visible minority student in his or her second year of study in an LLB or JD program at a Canadian law school. Applicants will be required to satisfy the criteria described below and write an essay on a legal issue to be determined by the Scholarship Awards Committee. Determination of the scholarship recipient will be made by the Scholarship Awards Committee.

**For 2015:**

- Please submit your application package, which must contain the elements set out under the heading “Terms” below, to the Canadian Association of Black Lawyers, attention: Scholarship Awards Committee, 20 Toronto Street, Suite 300, Toronto, ON Canada M5C 2B8.
- Application packages are due by **11:59 p.m. on February 12, 2016.**
- **Essay Topic:** Last year, in the landmark decision *Bhasin v Hrynew*, the Supreme Court of Canada recognized that good faith contractual performance is a general organizing principle of Canadian common law, and that parties to a contract are under a duty to act honestly in the performance of their contractual obligations. In approximately 750 to 1250 words, please comment on whether this decision impacts the predictability of contract law in Canada and the potential issues that this decision may create for parties to commercial contracts.
- Questions regarding the scholarship may be directed to the attention of the **Scholarship Awards Committee** at [info@cabl.ca](mailto:info@cabl.ca).

## **The Blackburns**

Lucie and Thornton Blackburn founded the first taxi company in Toronto in the 1830s. Their successful business enterprise was all the more notable in that the Blackburns were also involved in a number of other “firsts”. The Blackburns’ inspiring story included sparking the first racial uprising in Detroit history and the first serious legal dispute between Canada and the United States regarding the Underground Railroad.

In 1831 Lucie and Thornton Blackburn made a daring escape from slave markets in Louisville, Kentucky. They fled north only to be discovered by slave catchers in Michigan, and were destined to be returned to slavery in Kentucky until the local black community in Detroit rallied to their cause sparking the Blackburn Riots of 1833.

Escaping custody, the couple fled to freedom in Canada. In June 1833, Michigan’s governor demanded their extradition. An impassioned and successful defence of the Blackburns by Upper Canada’s Lieutenant Governor set precedent for future fugitive slave cases in Canada.

The tale of the Blackburns was lost to history until a chance archaeological discovery in a downtown Toronto school yard again brought the story of Lucie and Thornton Blackburn to light. Their story is recorded in “I’ve Got A Home In Glory Land”, a Governor General’s Award winning book written by Karolyn Smardz Frost. As noted in the book, Fasken Martineau acted as legal counsel to the Blackburns.

## **Terms**

- Scholarship Administrator – Canadian Association of Black Lawyers.
- Scholarship Sponsor – Fasken Martineau. Funds to be disbursed by Fasken Martineau directly to the Scholarship recipient at a ceremony or in such other manner as may be determined by Fasken Martineau.
- This is a needs based scholarship.
- The recipient will be a member of a visible minority community.
- The Scholarship will be available to law students in their second year of an LL.B. or J.D. program enrolled in a Canadian Law School.
- The Scholarship funds will be provided in the second term of second year, with the intent that it will be of assistance to the recipient in his or her second year of study.
- A complete application will include a completed application form, a résumé of the applicant, and an original essay on an issue relating to a commercial law area (including either solicitor based or advocacy based), as determined by the Scholarship Awards Committee.

- Applicants will be required to commit, if awarded the Scholarship, to participate in an initiative to give back to the community. The Scholarship Awards Committee and the Scholarship recipient will discuss and agree on the nature of the community involvement. For example, the successful applicant may attend and participate in CABL speaking events for high school or undergraduate students to discuss the path to law school.

## **Fasken Martineau DuMoulin LLP**

Fasken Martineau is one of the world's leading international business law and litigation firms with more than 650 lawyers with offices in Canada, the United Kingdom, France and South Africa. Fasken's practice includes every sector of business, industry and government.

Its international excellence, sector expertise, integrity and ethics have earned it numerous prestigious accolades such as being named a top corporate dealmaker by Lexpert; consistently distinguished in the Canadian Legal Lexpert Directory, the prestigious Chambers Global Guide to the World's Leading Lawyers, the International Financial Law Review's Guide to the World's Leading Financial Law Firms, and The International Who's Who of Business Lawyers.

Fasken Martineau is committed to a diverse and welcoming workplace and to promoting diversity within the Canadian legal community.

Website: [www.fasken.com](http://www.fasken.com)

## **The Canadian Association of Black Lawyers**

CABL, formed in March 1996, is a national network of law professionals and individuals that is committed to reinvesting in the community. CABL's continuing goal is to bring together law professionals and other interested members of the community from across Canada to cultivate and maintain the association of Black legal professionals in Canada.

Website: [www.cabl.ca](http://www.cabl.ca)