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THE UNIVERSITY OF TORONTO FACULTY OF LAW ALUMNI MAGAZINE
FALL/WINTER 2014

Spillover into Canada

How will the Supreme Court rule in Ecuador's environmental settlement battle against Chevron?

PLUS:

DNA Match
Crowd Control
Reunion

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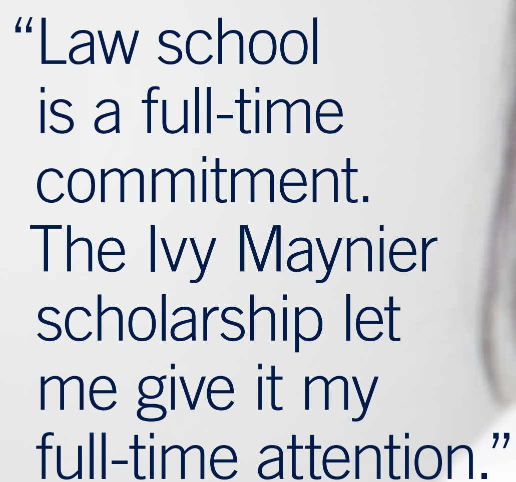

Aman Dhillon
JD, 2013

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BOUNDLESSLEGACY

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PHOTO BY RAINA + WILSON

Forging ahead at the Faculty of Law

It was a true privilege to have had the opportunity to serve as Interim Dean. If I had to name the things I loved best about the experience, I would say this: First, I learned much about the very special institution that is our Faculty of Law, and the many things that go into making it such a special place. One might expect that, if one gets to see an institution from the very inside, one would come away sobered at the insight into 'how things really are.' For me it was the opposite experience. I came away feeling heartened by the goodwill, generosity, commitment, creativity and talent that I encountered in colleagues, senior administrators, staff, students and alumni.

Second, there's never a dull moment. You might think you know what's on tap for the day, or that you have 'seen it all.' Well, on any given day in the Dean's office ... expect the unexpected! Third, the Dean's office is a place to learn: about things you did not know about, about people, about yourself, about what it takes to solve problems and arrive at decisions, and about not taking yourself too seriously.

Finally, with all of this under my belt, I can say that I am excited for the potential of our Faculty, and that we are fortunate to have a committed, energetic and thoughtful new Dean in Ed Iacobucci.

Turning now to *Nexus*, ever at the forefront, our alumni and faculty share their thoughts on an exciting new legal area in "Crowd Control." Once again our grads take a lead on the big picture issues of the day affecting society, and this time it's genetic patents in "DNA Match." And we look at 'lifting the corporate veil' in "Spillover into Canada," a case in which our International Human Rights Program has intervened and numerous alumni are involved to assist Indigenous Ecuadorians in their settlement battle against Chevron Corp.

All this, plus a lovely Reunion photo gallery, a chat with the new mayor (and former SLS president) in Winnipeg, and an abandoned train station in New Brunswick (yes, there's an alumnus connection.)

But first, read about our new Dean—and why he applied for this great job—in "New Year, New Dean." I share his great affection for the law school, and can understand his excitement in taking on his new role.

JUTTA BRUNNÉE
INTERIM DEAN OF THE FACULTY OF LAW

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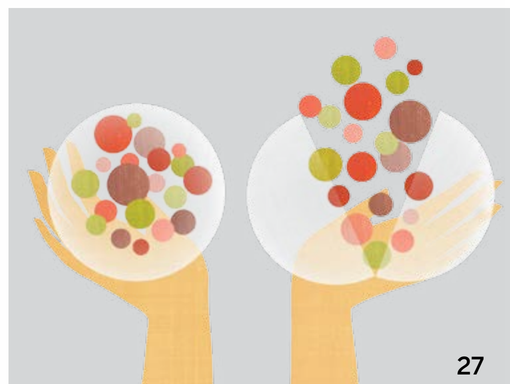

contributors

ANDREW STOBO SNIDERMAN,
WRITER, "DNA MATCH," P. 14

Alumnus Andrew Stobo Sniderman has been published *The New York Times, London's Sunday Times, Maclean's Magazine,* Toronto's *Globe and Mail* and more. He's worked for the United Nations High Commissioner for Refugees in Zimbabwe, and co-founded the US-based Genocide Intervention Network, now called United to End Genocide. He is articling at Olthuis, Kleer, Townshend LLP, an Aboriginal law firm in Toronto.

CHRISTOPHER R. GRAHAM,
WRITER, "SPILLOVER INTO CANADA," P. 20

Christopher R. Graham is a freelance writer and storyteller based in Toronto. His work has appeared in various publications, such as *Toronto Life*, the *Globe and Mail*, and *The Morning News*, and on various Toronto stages: Lee's Palace, The Tranzac Club, and The Common. An alumnus of the Faculty of Law, he is also an associate at Pape Salter Teillet LLP.

MICHELLE YEE,
PHOTOGRAPHER, "REUNION," P. 34

A frequent contributor to *Nexus*, Michelle Yee is an award-winning photographer based in Toronto, Canada. Specializing in portrait and documentary photography, her client list includes the *Associated Press, Dumbo Feather* (Australia), *Report on Business* and T*oronto Life.* When not she's shooting or going to yoga, Michelle can often be found with her husband at the local Chihuahua meet-up (with their own dog, Jeans, of course).

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New Year, New Dean

Most outstanding Queen's University undergraduate arts student, Rhodes Scholar, gold-medal graduate at the U of T Faculty of Law, law and economics professor, Osler Chair in Business Law, associate dean.

On January 1, 2015, the law school welcomed the new dean and James M. Tory Professor of Law, Ed Iacobucci, LLB 1996. Full of affection, admiration and ideas for this law school, he spoke to Lucianna Ciccocioppo, *Nexus* executive editor, after one week in his new role.

Photography by Raina+Wilson

LC: WHY DID YOU APPLY FOR THE JOB?

EI: I love this place. I had been a perfectly fine student before I came to law school, but I never had a passion for my studies until coming here. The Faculty irrevocably changed my life because of a combination of the incredible depth of thinking, which was exciting, but also the incredible breadth. It's no surprise that, with a human institution such as law, there are so many perspectives that can and should be brought to bear on its study. I found that an incredibly energizing and broadening experience, and I knew then that this was the intellectual life, the academic life, that I wanted to pursue—and pursue here.

I'm extremely proud of this place. I have immensely enjoyed my almost 17 years as a faculty member, and I feel incredibly privileged to have the job. I hope that in some way I can contribute to the Faculty's progress.

LC: WHAT WAS YOUR IMMEDIATE REACTION WHEN THEY OFFERED YOU THE JOB? DO YOU REMEMBER THAT MOMENT?

EI: I remember it very clearly. It was four o'clock on Sunday, October 19, and I know that because it was the day I ran my first marathon. The provost called to inform me that I would be recommended for the position by the search committee, subject to approval by university governance. I felt a combination of great excitement and thought "OK, it's on!" It's actually a feeling I feel to this day. The motivation is I care about this law school. This also means the stakes to me are high. I want to ensure I do a good job.

LC: HOW WILL YOUR U OF T LAW EXPERIENCES—AS A STUDENT, AN ALUMNUS, FACULTY, AND AN ASSOCIATE DEAN—INFLUENCE YOUR ROLE AS DEAN?

EI: Immeasurably, and in different ways. Firstly, this warmth and deep sense of respect I have for the law school started on Day 1 of being a law student here. I have an association with the Faculty of Law that goes back a long time—I have memories of watching the Santa Claus parade from a roof, playing with my father's calculator in his office, and going to skating parties. But it was when coming here as a student that I really and viscerally felt this was a special place. I understand the importance of the law school having seen it from different angles. While nobody can claim to completely understand the way the Faculty works, I do think I have an understanding of what the culture is here, what motivates people, what people are passionate about here, which will very much inform my role. There are many people who feel this is a special place, and it's important to engage with those people as my time as dean unfolds.

LC: WHAT ARE SOME OF YOUR GOALS OVER THE NEXT SIX MONTHS?

EI: First and foremost, get in touch and engage with, listen to and consult with a wide variety of stakeholders. The Faculty of Law is a kind of crossroads. People come here from all over the world: from the academy, from practice, from the judiciary, from the policy-making world, from other parts of the university or the academy, and not just the legal academy. They come here, and we go there, and we serve as an intersection. We're an important intersection intellectually because there are so many different ways of studying and analyzing law in these halls.

I also think that one of the challenges is going to be ensuring that we maintain our excellence, and maintain our accessibility to students from all walks of life, because the two go hand in hand. It's essential for us to make sure that we continue to have a robust financial aid program.

LC: THE LEGAL PROFESSION HAS CHANGED SIGNIFICANTLY SINCE THE MODERN LAW SCHOOL WAS FOUNDED. HOW WILL THE FACULTY OF THE LAW EVOLVE WITH THE PROFESSION?

EI: The modern law school was founded on the principle that a legal education should be an academic education and not an education that amounts to something more like an apprenticeship. And I think that's part of our DNA as a faculty. I think it's also true that, in these changing times, the academic approach to law has perhaps become more important than ever. I say this because successful lawyers in whatever area of practice have always been creative and imaginative and critical thinkers, and the pressures on lawyers to be those creative, imaginative, critical thinkers have only grown.

That said, there are ways that we can think about delivering what I would describe as our fundamentally academic mission in even better ways. There are ongoing conversations within the law school and with other stakeholders, including the profession, that will continue. A collective conversation about ways in which we can evolve is entirely appropriate and one that we will embrace at the law school. The fundamental idea that we are here to teach creative thinkers does not straightjacket us into any narrow mode of delivery. For example, there are opportunities to think about expanding our significant complement of experiential opportunities. But we will also be thinking about other things that we can do within the classroom to make our students even better prepared, both for a change in the legal profession and for a changing world as well.

LC: WHAT BOOKS ARE ON YOUR BEDSIDE TABLE?

EI: *The Fiercest Debate*, which is the book about the origins of our modern law school. I'm also reading *Bring Up the Bodies*. I like historical fiction, and it's about Thomas Cromwell, who was minister to Henry VIII. It's the follow-up to *Wolf Hall*.

LC: WHAT'S YOUR VICE?

EI: I have a seemingly endless capacity for watching sporting events on television. No sport is too obscure or insignificant. The solution: we don't have cable.

This interview has been edited and condensed. Read the full version of the dean's Q & A online: **http://uoft.me/NewDean**

Crowd Control

The hot new practice area of equity crowdfunding law aims to support innovation—but does it protect investors?

By Randi Chapnik Myers
Illustration by Taylor Callery

There's no question about it: There is incredible power in numbers. But how do we harness that "crowd power" to boost our economy? We start with crowdfunding, of course—the online movement to raise money from the public that's exploding so fast, it's hard to keep up.

We've all heard of Kickstarter and Indiegogo, the popular Internet portals through which enterprising self-starters reach out to fans for cash to get their projects off the ground. Now, new security exemptions are being proposed to allow crowdfunding as a fundraising channel for early stage companies. That means there's a hot new practice area taking shape in Canada—equity crowdfunding law.

These days, just about everything is being financed through crowdfunding, from a trial bus run in Toronto's Liberty Village to the salary of freelance journalists (think Jesse Brown of recent CBC fame). The movement is inspiring a new generation of people who are collaborating to raise money to effect change. And with companies getting in on the action, the stakes are about to get a whole lot higher.

While the industry originated with donors funding new ventures with little expectation of return, it grew to include the reward-based model where fundraisers offer perks—such as a T-shirt or film credit—if the project succeeds, says Albert Lin, JD 2013, an associate who works on real estate financing, acquisitions and sales at McCarthy Tétrault in Toronto. More recently, crowdfunding evolved to include the debt model, where it facilitates financing but doesn't offer a stake in the project.

"The reward model is most popular in the media, as it has really taken off in the cultural sector, where artists turn to fans online to help them reach their financial goals on projects banks might not back, such as indie films, books, poetry and music," Lin says. The demand for crowdfunding is huge because people are looking to support projects they believe in, he explains. "They want to see a change where they live, and they realize they can help make that happen. With people directly asking each other for what they want and funding it themselves, we all see improvement in the way we live at a pace we like."

Already, the industry reportedly raised $2.7 billion in 2012, with some industry research groups anticipating an increase of up to $5.1 billion in 2013, says the National Crowdfunding Association of Canada (NCFA). By expanding the practice into the equity sphere, the hope is that it will power business growth, support entrepreneurial innovation, create jobs and give Canada a competitive advantage on an international scale.

With this new moneymaking movement spawning so much opportunity, the time is ripe for expansion into the equity market. If so many people are willing to back cultural and community projects, why not small businesses?

"Out in the community, there's a real demand for crowdfunding from investors and businesses. It really is an exciting space," says Ontario Securities Commission (OSC) vice-chair Monica Kowal, LLB 1987.

It all starts with helping to propel startups and small to medium-sized enterprises (SMEs) by allowing them to raise capital online through the issuance of securities in exchange for investment, Kowal explains. Essentially, that means you will be able to buy a share of the equity in early stage companies through an Internet crowdfunding portal—with limits.

"As a small business, especially a startup without proven revenue, it can be hard to get financing. If you have a great idea and need money to develop it, your only option was friends and family, angel investors or venture capitalists," explains Afzal Hasan, JD 2011, a securities lawyer at Cassels Brock in Toronto.

Not any more. The JOBS Act, or "Jumpstart Our Business Startups Act," was tabled with the hopes of stimulating the US economy after the 2007-2009 recession by relaxing the rules that regulate how small businesses raise capital. "The US sees small business as the backbone of their economy," says Hasan. "Keep in mind that Coca Cola and Apple didn't launch billion dollar enterprises. Everyone has to start somewhere, and by supporting the small business, we boost the economy."

This side of the border, the economic view is no different. SMEs are fundamental to our economy, too, representing approximately half of private sector GDP and accounting for 88.5 per cent of all private sector jobs in Ontario in 2012. Although the regulatory landscape in Canada is different, Hasan says, Canadian security regulators and businesses are also paying more attention to this area.

While the U.S. Securities and Exchange Commission is currently evaluating a proposed crowdfunding prospectus exemption for US issuers, Canada is doing the same.

Saskatchewan was the first province to jump aboard. The Saskatchewan Equity Crowdfunding Exemption was adopted in December 2013. Similar regulations, some with different limits, are currently being considered by securities commissions in British Columbia, Manitoba, Quebec, New Brunswick and Nova Scotia. Through Saskatchewan's exemption, startups and SMEs can raise up to $300,000 per 12-month calendar year. On crowdfunding portals that distribute offerings for up to 90 days online, investors can invest up to $1,500 for a single deal.

Then there's Ontario's proposal: the Crowdfunding Exemption, which allows for even higher caps and limits. Here, startups and SMEs would be able to raise up to $1.5 million per 12-month calendar year with investments capped at up to $2,500 per deal, and maximum $10,000 per year.

The Ontario proposal was developed as part of the OSC's broadened exempt market review, which included stakeholder

meetings and town halls to gauge interest in this new field, and to advise on possibilities for regulatory approaches to the exempt market.

In fact, the OSC received more than 800 comment letters on the equity crowdfunding issue, which is "just huge" in the securities world, says Kowal, where only 30 letters would be more typical.

"Now that we've tapped into something people really care about, our challenge is to get the balance right. We want to promote innovation and capital-raising but that side has to be weighed against having a fair capital market and protecting investors," Kowal says.

Investor protection doesn't mean that regulators remove all the risk from an investment, says Faculty of Law scholar Anita Anand, LLM 1996, who has researched equity crowdfunding, and directs the Centre for the Legal Profession and the Program on Ethics in Law and Business.

"Rather, it involves the provision of protections, such as adequate disclosure and, in the case of equity crowdfunding, registered portals, so that investors can make informed decisions. The proposed exemption would be a middle ground between full-blown prospectus offerings on the one hand, and exemptions that require no disclosure and carry little regulatory oversight with them on the other," says Anand. She argues the potential for fraud does warrant careful consideration in the crafting of the exemption, "but should not stand as the reason that investors are denied the investment opportunities otherwise available under the proposed exemption."

This new fundraising channel will affect and benefit more than just new companies. Stakeholders will be involved, from entrepreneurs to investors to portal operators—to lawyers. Inevitably, once the door is opened to higher investment with fewer restrictions, there will be many legal issues to consider. What if the new business goes belly up or there is misrepresentation, or worse yet, fraud? Who protects your investment?

That's where regulators like the OSC come in. "We created limits because of the risks with crowdfunding, such as the absence of investment advice by a registered dealer and the inability to resell the securities," Kowal explains. As a result, the registered online portal that arranges and facilitates the equity crowdfunding also plays a role in protecting advisers.

After registering with the OSC as a restricted dealer, the online portal engaged in equity crowdfunding must conduct background checks on companies' principals, and do a high-level review of the information presented to it, Kowal says.

Basically they need to be on the lookout for bogus business plans. The portals are also required to provide an investor with a crowdfunding offering document that includes information about the company and the offering, as well as financial statements. All this in order to make the investor aware of the risks associated with investing under the crowdfunding prospectus exemption—such as the real risk of losing money in a company with no track record, and the challenge that reselling your securities poses. Investors would need to sign a risk acknowledgment indicating their understanding of the risks, and issuers must provide initial and continuous disclosure.

"Under the new proposal, issuers would have to sign off on a certificate so that there's no misrepresentation, or there will be liability," Lin adds. "And with a market that's growing exponentially, that increased risk to the investors could be significant."

So far, the stats on potential problems look promising. In other jurisdictions around the world, such as Australia, where equity crowdfunding has been possible for high-level investors for more than five years, the Australian Small Scale Offerings Board, a leading portal, has raised more than $140 million in seed and growth capital for 130-plus companies. As of 2012, 83 per cent of them were still operational—and there has not been a single incident of fraud reported.

"This is very useful, but there are concerns other than fraud," says Prof. Jeffrey MacIntosh, LLB 1981, who holds the Toronto Stock Exchange Chair in Capital Markets Law. "The fact that companies are being funded is not enough to conclude that crowdfunding results in an efficient allocation of capital. To make that leap, we need returns data. Moreover, with many, and largely unknowledgeable, investors holding small stakes, receiving little information, and lacking an incentive to sue because of free rider and collective action problems, crowdfunding creates an ownership structure that is likely to result in little effective oversight of management. This makes it particularly ill-suited to high-tech ventures in which effective monitoring can only come from skilled and knowledgeable investors."

Not so, argues Lin.

"In an industry that is self-regulated, you'd expect it would be a 'Wild West' out there but it's not," Lin says. "Over the past five years, crowdfunding has done a good job of self-regulating. Thus far, we haven't heard of any systemic criminal wrongdoing." That's because all the stakeholders in this microenvironment have an interest, he says, so they are all motivated to do their due diligence. Simply put: "Everyone in the crowd wants the business to succeed."

There are also educational initiatives that bridge the gap as the industry moves toward regulation. "There are a lot of people rolling up their sleeves to help," says Lin, who sits on the advisory board of NCFA Canada, a national crowdfunding hub that provides education, advocacy and networking opportunities in this rapidly growing field. It is currently in consultations to create an industry best practices guide to educate about risks and to inform regulators down the road. It also holds workshops for anyone considering crowdfunding or working in the area.

"It's very exciting to watch the fusion of technology and startup financing through crowdfunding," Lin says. "Like eBay or Amazon changed the retail world, this movement has the potential to revolutionize how venture financing works, and lawyers will definitely be a big part of that."

Additional reporting provided by Lucianna Ciccocioppo

SIR ELTON JOHN AND DAVID FURNISH AT THE 22ND ACADEMY AWARDS VIEWING PARTY, MARCH 2, 2014.

By Lucianna Ciccocioppo
Photography Michael Kovac/ Getty Images for EJAF

Elton John's foundation funds a new refugee project of the International Human Rights Program

The International Human Rights program (IHRP) has received a $75,000 grant from the Elton John AIDS Foundation (EJAF) to launch a project exposing the negative impact of Canada's refugee policies on some of the world's most vulnerable claimants—people with HIV or at-risk of HIV due to rampant violence, discrimination based on sexual orientation, and gender-based violence.

"As chairman of the Elton John AIDS Foundation and as a Canadian, I am pleased to see the University of Toronto's International Human Rights Program take the lead in advocating on behalf of HIV-positive refugee claimants seeking a better life in Canada," says David Furnish. "The Elton John AIDS Foundation is proud to support this unique project, which is poised to bring about positive changes in policy, break down stigma, and hold Canada accountable for its obligation to protect the human rights of vulnerable refugees."

The Faculty of Law's IHRP has gained significant expertise advocating for people affected by HIV, in Canada and around the world, with a particular focus on the rights of African grandmothers raising children orphaned by AIDS, persecuted sexual minorities, and prisoners.

With EJAF's support, and focusing on Syria and Mexico as critical case studies, the IHRP will advocate for policy changes to allow refugees with, or at-risk of, HIV to rebuild their lives in Canada, access necessary medical treatment without fear of persecution, and empower them to become part of the prevention equation.

"Canada has historically been a leader in terms of protecting those fleeing persecution based on their sexual orientation or HIV status," says lawyer and IHRP director Renu Mandhane, JD. "Unfortunately, the federal government's new refugee policies are threatening to undermine our reputation. It's critical that Canada continue to show leadership in terms of protecting these very vulnerable individuals. For a person living in a refugee camp in Lebanon or fleeing persecution in Mexico, being gay or HIV-positive is still a potential death sentence. If they can find safe refuge in Canada, we can ensure Canada plays an important role in the global fight to eradicate HIV/AIDS."

As with all IHRP initiatives, the project will involve many University of Toronto law students in the research and advocacy work.

"I am delighted to be working on the HIV-positive refugee claimant project with the IHRP," says law student Petra Molnar. "These refugee claimants face a unique set of challenges and vulnerabilities when claiming asylum. It is imperative that their experiences with resettlement and the asylum process are critically explored so that appropriate policy and laws can be implemented."

This project will support the work of leading NGOs, and was developed with input from the Canadian HIV/AIDS Legal Network, the HIV-AIDS Legal Clinic of Ontario, the Committee for Accessible AIDS Treatment, the Refugee Law Office of Legal Aid Ontario, researchers in Lebanon, and Canadian academics.

A web-accessible report with country case studies and testimonies to illustrate broader trends and issues will be published in 2015 and will form the basis for advocacy targeting policy-makers by a coalition of NGOs.

DNA *MATCH*

By Andrew Stobo Sniderman, JD 2014
Photography by Sandy Nicholson & Guillaume Simoneau

Can you patent the 'map of life'? Three alumni are working pro bono to take the issue of gene patents to court

Litigators abhor a vacuum. After more than a decade of legal uncertainty about a fundamental and squirm-inducing question—should DNA, the recipe for life and death, be patentable?—a trio of University of Toronto law school alumni working pro bono are forcing a court to rule on a subject long neglected by Parliament. Possibly many lives and certainly a lot of dollars hinge on how judges will adapt patent law to the world of the double helix.

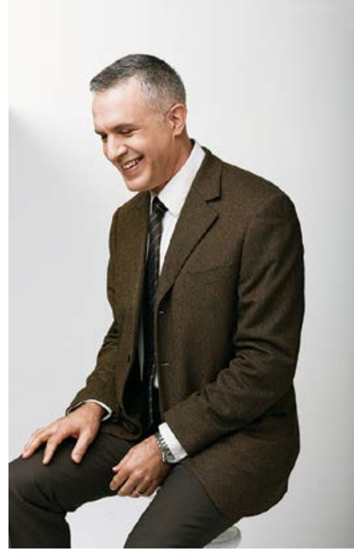
In 1991, a team of scientists linked a particular snippet of DNA to a heart disease that causes otherwise healthy teenagers to drop dead. In 1997, they received a first American patent for their detective work, and before long they had patented enough genes associated with the disease to create a niche market providing a test for diagnosis. The disease is called Long QT Syndrome (LQTS), and it affects about one in every 4,000 people, whose hearts take slightly too long to recharge between beats. This leads to fainting and seizures, and, in 10 to 15 per cent of cases, sudden death.

An LQTS test for a Canadian costs about $4,800, a tab paid by our government and pocketed by American corporations. If doctors order the test for you, they take a blood sample, courier it to an American lab in Maryland or Connecticut, and get an answer four to eight weeks later. Performing the test in Canada would be cheaper and faster, but it would also violate gene patents.

This may be about to change, if U of T law school alums Sana Halwani, JD 2004, and Nathaniel Lipkus, JD/MBA 2006, have their way. "This case is an extreme example of patents gone wrong," Halwani says. She and Lipkus, of Gilbert's LLP, are representing the Children's Hospital of Eastern Ontario (CHEO) in federal court litigation and seeking to invalidate or avoid the LQTS gene patents.

"The core position," says their client Alex Munter, president and CEO of the Ottawa-based CHEO, "is that no one should be able to patent human DNA. It would be like patenting water or air."

Lipkus grapples with what he calls the fundamental "tug of war" in patent law between accessibility and innovation. He wanted to figure out how to incentivize the provision of AIDS medications to poor parts of the world, so he travelled to Thailand in 2004 to investigate new models for private-public partnerships in drug development. He would later publish a paper about his research that concluded: "As a society, we cannot afford to misuse the scarce funds available for the innovation of new drugs for neglected diseases." Now, as then, Lipkus is more concerned with practical impact than with moral problems. "At the end of the day, you need to find the balance that makes people money and makes sick people better," he says.



RICHARD GOLD

As for Halwani, she comes equipped with an undergraduate degree in biochemistry and graduate school research in England about access to reproductive technologies. When she clerked for Supreme Court Justice Rosalie Silberman Abella, LLB 1970, the Court heard an important pharmaceutical case, *AstraZeneca Canada Inc. v Canada (Minister of Health)*.

Five years ago, CHEO tried to perform their own LQTS tests for their patients, and Ontario's Ministry of Health promptly received a cease and desist letter from American patent owners. The government relented.

Now, doctors and researchers fear a new and larger roadblock. The age of "whole genome sequencing" has arrived, which means we will be able to affordably test many or even all of our 20,000 or so genes at the same time. For those who have seen the '90s film *Gattaca*, a futuristic thriller in which genes are destiny, whole genome sequencing will be like the procedure that pinpoints the protagonist Ethan Hawke's genetic weaknesses, but hopefully minus the dystopia.

The trouble, however, is that individual gene patents may prevent the whole genome test from ever coming to fruition. Alternatively, as CHEO chief of genetics Dr. Gail Graham explains, if a lab technician finds out during a whole genome test that a patient has a genetic problem, it is not clear the technician will be at liberty to report the problem without violating the gene patent.

For a hospital, this is a nightmare scenario. "Our doctors and scientists simply cannot accept the prospect of a child dying... because a patent prevented us from diagnosing and treating a serious life-threatening condition," Graham said at a press conference. "Genetics is poised to make major advances that will allow us to more rapidly provide life-saving diagnoses and treatments. Continued patenting of DNA will stop us from fully realizing that potential."

The statement of claim Halwani and Lipkus submitted last November argues that naturally occurring genes are not patentable, and even if they are, next-generation sequencing would not violate individual gene patents.

Richard Gold, LLB 1988, a leading Canadian scholar on gene patents who teaches at McGill University's Faculty of Law, is also offering advice on policy and international context for the CHEO case. "There has been a non-partisan ignoring of the issue in Canada," he says. "It seems a court case is the only way to get answers." Gold has argued that many individual gene patents are overly broad and will hamstring the innovation promised by whole genome sequencing. As things stand, "[t]he uncertainty is getting in the way of Canadian health care," he wrote recently in *The Globe and Mail*.

Most people know about gene patents because of actress Angelina Jolie. In 2013 she very publicly opted for a double mastectomy after a pricey gene test revealed that she carried a genetic mutation associated with a high risk of breast cancer, BRCA1. But this is just the most famous example of a vast new frontier of genetic research and "personalized medicine." As of 2013, there were 15,359 patents on genetic sequences in the United States, ground zero for the commercialization of the genome, and in Canada more than 1,000 patent applications have been submitted.

Where there are patents, there are lawyers. Thus far, globally speaking, our fickle lady the common law cannot make up her mind about patents and genes. The United States Supreme Court recently ruled that genes cannot be patented. Australia's Federal Court recently went the other way. This pair of American and Australian cases involved the same pharmaceutical company, Myriad Genetics, and the same genes, the ones that Angelina Jolie found swirling in her cells.

In 2013, the United States Supreme Court unanimously ruled in *Association for Molecular Pathology et al. v. Myriad Genetics* that "a naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated." The stock price of Myriad Genetics dropped five per cent the day the judgment was released. "Myriad did not create anything," Justice Clarence Thomas wrote for the court. "To be sure, it found an important and useful gene, but separating that gene from its surrounding genetic material is not an act of invention." Patent eligibility required more than "[g]roundbreaking, innovative or even brilliant discovery." The price for the test swiftly fell to $1,500, down from about $4,000.

SANA HALWANI

NATHANIEL LIPKUS

"Genetics is poised to make major advances that will allow us to more rapidly provide life-saving diagnoses and treatments. Continued patenting of DNA will stop us from fully realizing that potential."

Last September, in *D'Arcy v Myriad Genetics Inc*, on similar facts involving the same company's patent for the same genes, the Federal Court of Australia diverged from the American approach and upheld the patents for gene mutations associated with breast cancer. The unanimous court wrote that the "isolated nucleic acid... has resulted in an artificially created state of affairs for economic benefit." Discovering and isolating was invention enough to warrant a patent, the court reasoned. (The lawyers representing Yvonne D'Arcy have applied for special leave to appeal.)

For its part, the European Union allows gene patents, with significant caveats and exceptions. The European approach is guided by legislation by the European Parliament that took over a decade to craft and pass. In 2001, the European Court of Justice considered a challenge to the law, but the court ruled that patenting genetic material that was isolated from the human body is not a contravention of the principle of the right to human dignity.

Now it is Canada's turn to draw a line. Back in 2001, Ontario Premier Mike Harris insisted that gene testing for breast cancer be performed in Canadian hospitals and funded by provincial health-care plans in a bid to save health care from monopoly pricing, even if this meant flagrantly violating patents. He insisted—in a nod to his communist supporters, no doubt—that "[o]ur genetic heritage belongs to everyone. We must share its benefits fairly and do what we can to make genetic tests and therapies affordable and accessible."

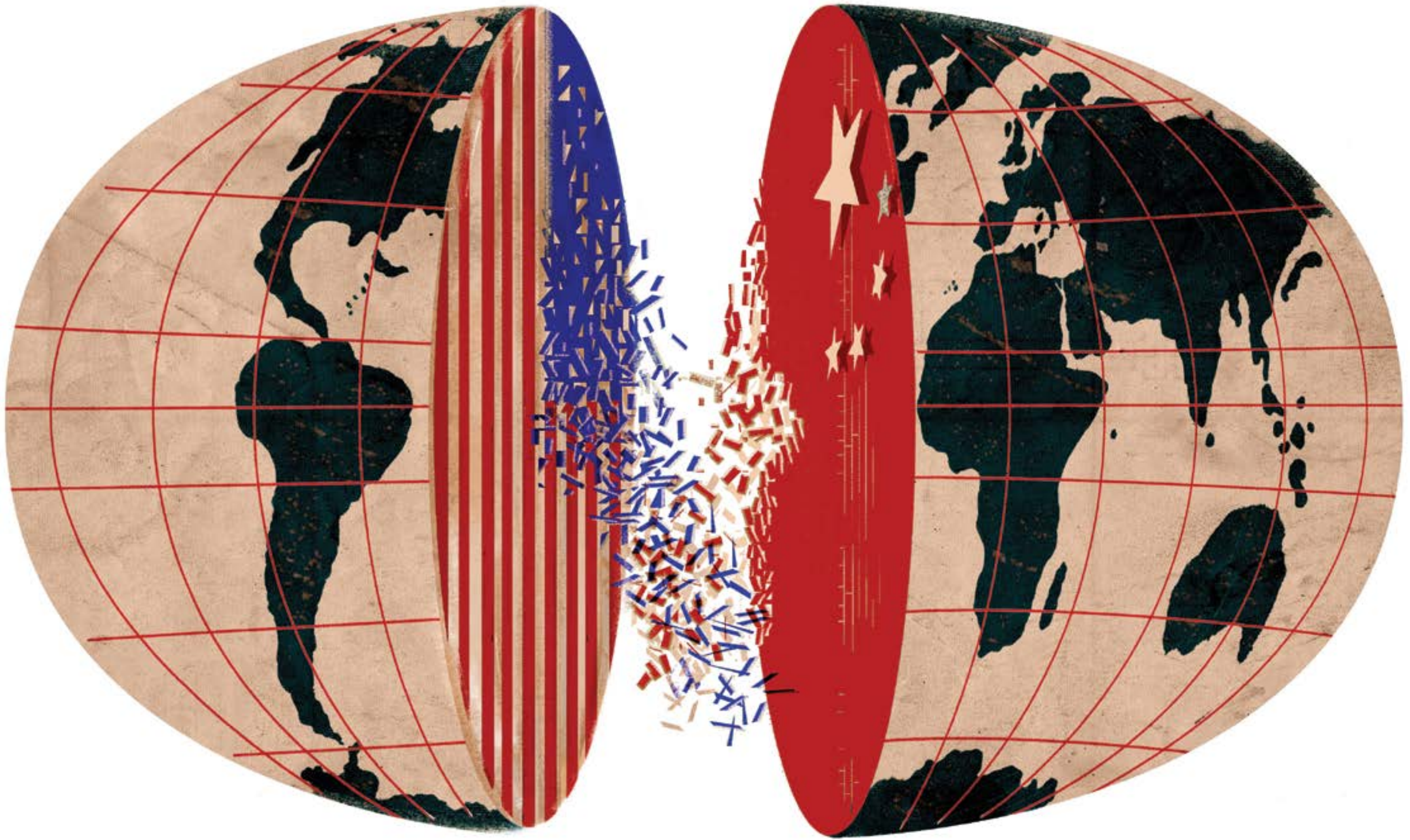
Harris urged the federal government to make rules to tame what he called the "Wild West" of gene patenting. His fellow premiers joined him in demanding federal action. In 2002, the eminent Romanow Report on Canadian Health Care also recommended a review of how patent law dealt with gene patents. Yet none of these gadflies managed to stir a somnolent Parliament.

Over a decade later, a court will now fill the void. One of the barriers to litigation was cost, but Halwani and Lipkus are volunteering their advocacy pro bono. They estimate the case will cost their firm in the vicinity of two million dollars in foregone fees. "There is no moneyed interest on our side," Halwani says. "But it feels like right thing to do, because we're trying to allow clinicians to provide the best level of care to their patients. This is a real problem and we are trying to provide a real solution. And we need courts to weigh in, because right now there is no certainty whatsoever."

As it happens, the University of Toronto may have something to lose if its alumni win the case. A corporation called HSC Research and Development Ltd, which houses commercialized research at SickKids Hospital, owns some patents for the breast cancer-related genes and is a named party claiming damages in ongoing American litigation to enforce gene patents.

Thus far, the defendants in the Canadian LQTS case—Genzyme Genetics, the University of Utah Research Foundation, and Yale University—have not yet submitted their statements of defense, nor did they make themselves available for comment. In the meantime, the lawsuit has already sparked national and international headlines.

"I don't see this as a moral case," Lipkus says. "A lot of people do. I see it as a practical case, a case that will improve access to health care and improve innovation. That is the best outcome to generate as a patent litigator."



By Peter Boisseau
Illustration by Beppe Giacobbe

In the shadows: Another global meltdown?

The Toronto-Tsinghua International Law Conference examined the threats—and possible solutions—to the rise of unregulated 'shadow' banking in China and the US

Lawmakers and regulators around the world are grappling with the explosive growth of poorly regulated "shadow banking" sectors in China and the US that provide easy credit and high returns—but have become so large, they may also pose the threat of a global economic meltdown, a University of Toronto law conference was told.

Shadow banking now represents "about a quarter of all financial assets internationally," making it a "huge portion" of the global economy, Faculty of Law student Michael Rosenstock, 3L, said in a presentation Oct. 17 to the Toronto-Tsinghua International Law Conference, which brings together faculty from both universities to explore legal issues from Chinese and North American perspectives.

Widely seen as a catalyst for the 2008 financial crisis and the global recession that followed, shadow banking refers to institutions and markets, such as mortgage companies and mutual funds, that provide loans and financial services which are far less regulated than the mainstream banking sector.

The need for better information and cooperation among domestic and international regulators was a common theme of the conference. Economies around the world are closely connected, and analysts increasingly see the breakneck growth of shadow banking in emerging markets like China as a potential threat to global financial stability.

To counter that threat—which could spread to affect jobs and investments worldwide—the pace of regulatory reform in emerging markets must keep pace with that in developed markets, analysts say. To make that possible, finance and business-conduct regulators must coordinate their efforts.

While G20 leaders have agreed to strengthen regulation of shadow banking, they are still a long way from creating an effective regulatory framework that is meaningful to different countries, Simin Gao, assistant professor at Tsinghua University School of Law, told the panel. Her presentation outlined current factors that could trigger "systemic contagion" in China, the world's second largest economy.

Gao said some critics even suggest US laws drawn up after the last financial crisis could create regulatory arbitrage—allowing companies to exploit loopholes created by inconsistent regulatory systems and uneven application of finance and business laws.

Meanwhile, "the Chinese property market is looking like the Titanic headed in the direction of an iceberg," she said. As relatively immature, inexperienced players in hedging risk compared to their American and European counterparts, Chinese shadow banking institutions are more vulnerable to shocks in financial markets, said Gao.

Figures suggest the US has the world's largest shadow banking sector and China's is the fastest growing. A study comparing shadow banking in the two vastly different economies—one sophisticated, the other still emerging—could prove fruitful, she said.

State-controlled capital markets are underdeveloped and the private sector—the most energetic part of the Chinese economy—has stepped in, said Gao. They are circumventing repressive financial regulations, supplying savers and investors with higher returns and extending credit to small businesses unable to obtain loans from mainstream banking.

Most of the products in China's shadow banking system are simply versions of deposits and loans, functioning "exactly like traditional banks," she said.

Chinese financial regulators are in a dilemma. They want to develop deep and versatile capital markets, and shadow banking plays a role in that. But they are walking a tightrope between encouraging new capital markets and controlling them.

"Before 2014, there was almost no appropriate regulation of shadow banking in China, and it was simply excluded from the regulatory regime," said Gao. New laws were recently enacted requiring regulators to work together on shadow banking, but poor coordination is plaguing efforts to mitigate its risks and promote its merits.

Different regulators working separately to try to grapple with system-wide problems is not efficient, she said. As regulators "pass the buck from one to another," the shadow banking market in China remains inadequately regulated.

At the same time, it's important to recognize "shadow banking is driven not only by regulatory arbitrage but also by genuine market demand," said Gao. Whatever its differences in sophistication, shadow banking in both the US and China fills the same demand for access to services, credit and higher returns unavailable in regular banking.

Gao noted that here is an opportunity to make good use of shadow banking's benefits while reducing its risks, if the pent-up demand for credit and the legitimate reasons why it exists is taken into equal consideration with the need to regulate its conduct.

Balancing those two realities can not only answer questions about why there are large shadow banking systems in the US and China, but may also generate lessons for other countries as well, giving the international community a framework for new policy, she concluded.

Rosenstock, her fellow panelist at the conference, is co-author of *Institutional Design and the New Systemic Risk in Banking Crises,* together with U of T Law's Prof. Anita Anand and Prof. Michael Trebilcock, who holds the Chair in Law and Economics.

Shadow banking is one area examined in the paper, along with credit rating agencies, derivatives and asset-backed securities, where public policy makers have established new regulations to mitigate some threats.

The classic understanding of systemic risk, where a domino effect is created after one bank defaults on a loan to another, continues to evolve, Rosenstock said.

No regulatory body can foresee with certainty all the kinds of systemic risk that will arise. "The focus is on what regulatory architecture is available to best address and mitigate systemic risk, as we now see systemic risk."

In domestic markets, the authors favour an objectives-based model of regulation. Under such a model, one set of regulators can focus on prudential aspects of banking, insurance and securities while another focuses on the business conduct of those sectors, for example.

"Our paper concludes that the benefit of the objectives-based approach—where you regulate by objective—is that you facilitate the coordination and information sharing that's really necessary for regulating and mitigating the new systemic risk," he said.

On an international scale, a regulatory framework that provides no consistent bulwark against systemic risk and financial crises may even exacerbate such problems if countries fail to comply, creating the possibility of regulatory arbitrage, he said.

Rosenstock said the authors of his paper instead favour "modest proposals" to increase compliance and coordination among international economic actors, including a memorandum of understanding (MOU) between domestic regulators.

They also suggest a continued emphasis on "soft law" and non-binding agreements, coupled with best practices to achieve coordination and harmonization, built upon the compliance systems within existing international agreements.

While change may be necessary, that doesn't make it any less arduous. "Massive change in institutional architecture is costly and difficult and there is a certain path dependency in every country," said Rosenstock.

"We can say that there is a certain structure that states should enter into, but we also know that is not easy and may not even be possible."

SPILLO INTO CANAD

Chevron Corporation says its Canadian subsidiary has no assets to pay Indigenous Ecuadorians a US $9.5 billion environmental settlement. What will the Supreme Court of Canada say?

By Christopher R. Graham, JD 2007
Illustrations by Justin Renteria

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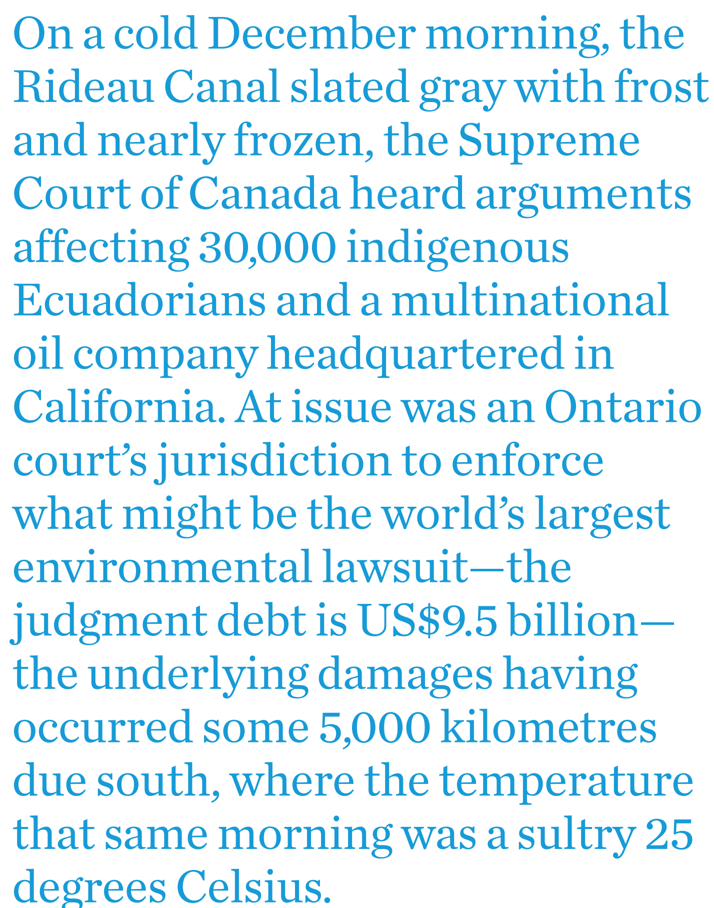


On a cold December morning, the Rideau Canal slated gray with frost and nearly frozen, the Supreme Court of Canada heard arguments affecting 30,000 indigenous Ecuadorians and a multinational oil company headquartered in California. At issue was an Ontario court's jurisdiction to enforce what might be the world's largest environmental lawsuit—the judgment debt is US$9.5 billion—the underlying damages having occurred some 5,000 kilometres due south, where the temperature that same morning was a sultry 25 degrees Celsius.

The stakes were high for both parties but also, bizarrely, for Canadian corporate law. What began as an excruciating jurisdictional puzzle now turns, at least potentially, on the corporate status of a Canadian subsidiary of the US multinational—that is to say, on the subsidiary's Corporate Status (initial caps *sic*), its being, its purpose in the world, all the existential crises latent in its so-called corporate personhood.

The case is *Yaiguaje v. Chevron Corporation*, which arose, literally, from beneath a portion of the Ecuadorian Amazon roughly the size of Rhode Island. Texaco Petroleum Company began drilling oil in the mid-1960s and by many accounts spent almost two decades smearing as many hydrocarbons over the landscape as it pumped out for profit. A class action lawsuit filed in the United States has been chasing remediation funds for more than 20 years—a judgment finally issued in 2012—in the midst of which Chevron Corporation ("Chevron") acquired Texaco and with it responsibility for paying out the judgment.

With what will Chevron pay, though, is the question the Supreme Court will determine. On that cold December morning, Chevron—the world's third largest oil company—argued that it had no assets in Ontario, in Canada, or, by inference, anywhere else on this oil-rich earth.

How the *Chevron* case ended up in Canada is a story of Wagnerian scale and intensity. (Chevron's stated resolve, on the record: "We're going to fight this until hell freezes over. And then we'll fight it out on the ice."). The original class action suit was filed in New York State in 1993, on issues affecting some 30,000 Indigenous Ecuadorians. Ten years later, New York was ruled a non-convenient forum and the case moved to Ecuador. The Ecuadorian proceedings lasted from 2003 to 2012, resulting in an order that Chevron pay roughly US$9.5-billion to remediate contaminated lands and provide healthcare to local residents.

Meanwhile, Chevron launched a series of legal proceedings in the United States to challenge the enforceability therein of any Ecuadorian judgment. (Chevron is a Delaware corporation, its head office in California.) The end result of those proceedings—featuring reciprocal allegations of graft and corruption almost unbelievable—effectively blocked enforcement of the Ecuadorian judgment anywhere in the United States.

With Chevron's US assets legally unavailable and Chevron/Texaco's Ecuadorian operations long since disbanded, the Ecuadorian plaintiffs went looking for Chevron assets in other jurisdictions. The nearest such jurisdiction turned out to be Canada, home to Chevron Canada Limited ("Chevron Canada") and its operations in Alberta, Atlantic Canada and the Northwest Territories.

Enter Alan Lenczner, LLB 1967, and Brendan Morrison, JD 2011, of the law firm Lenczner Slaght, Canadian counsel for the Ecuadorian plaintiffs. Lenczner and Morrison took the enforcement action—still at the stage of pre-trial motions—from Superior Court, to the Court of Appeal and finally the Supreme Court of Canada.

Lenczner, one of Ontario's premier litigation counsel, was originally approached by the Ecuadorian plaintiffs (technically a trustee for the remediation judgment and its Ecuadorian counsel) to determine whether there was any hope of enforcing the Ecuadorian judgment in Canada. There are well-established defences to enforcement of a foreign judgment in Canada, the viability of which would mean "there was no point in trying to enforce in Canada," says Lenczner. "So I went down there, and I reviewed the trial record, and to me, I think it was a really robust trial. Assuming a valid judgment, our opinion was that it would be possible to enforce in Canada."

Morrison, who made his first Supreme Court appearance in the *Chevron* case, did much of the research supporting the enforceability opinion. (It's worth an N.B. that the facts on which that opinion is based are largely irrelevant at these pre-trial proceedings, but you can preview the lurid details by reading *Chevron Corp. v. Donziger*, 974 F. Supp 2d 362 (SDNY 2014), the decision barring enforcement in the US) "The law on this issue in Canada is fairly clear," says Morrison. "The Court of Appeal determined that there is absolutely jurisdiction in the Ontario Superior Court to entertain the recognition and enforcement action."

Chevron, of course, takes the opposite position, arguing that Ontario has no jurisdiction to entertain an enforcement action where neither Chevron nor the underlying action (i.e., the Ecuadorian proceedings) has any connection to Ontario. Chevron's second argument, however, has received virtually all the press. (Chevron Canada's counsel respectfully declined to weigh-in for this article, citing the matter being actively before the courts.)

That argument—successful at the Superior Court but not at the Court of Appeal and just terrifically fraught—is that the Ontario court's jurisdiction is irrelevant because Chevron has no assets in Ontario. The assets of Chevron Canada simply don't belong

“THIS CASE FUNDAMEN

to Chevron, notwithstanding Chevron owns 100 per cent of Chevron Canada. (Technically 100 per cent of a corporation that itself owns 100 per cent of a corporation that itself owns... seven levels of that.) The assets of a subsidiary, even a wholly owned subsidiary, are not, at law, the assets of its parent. In the language of Chevron's factum, “there is no basis in fact or law upon which to reverse pierce multiple corporate veils and treat Chevron Canada's business and assets as those of Chevron Corp.”

Chevron's parent-subsidiary business model should not be unfamiliar, at least conceptually. The arrangement has proliferated in Western economies as the preferred structure for expanding operations, especially international operations. The key legal doctrines are corporate separateness (i.e., a corporation and its shareholder(s) are distinct legal entities) and limited liability (shareholders are not liable to the corporation's creditors), the combined effect of which is basically thus: parents ‘own’ their subsidiaries for purposes of profit but not liability.

So far as Western economies are concerned—Canada included—the pervasiveness of this arrangement is a compelling argument in its favour. Corporate parents and their subsidiaries are legally separate for a reason and, much more importantly, that's what everybody thinks when doing business. Indeed, Chevron makes precisely this argument:

> The principle of corporate separateness plays an important part in a Western economy. The limited liability offered by the doctrine of corporate separateness is an integral feature of the business landscape, facilitating entrepreneurship and the raising of capital to initiate or expand business operations.

One view of the *Chevron* case is that these conclusions about the economic benefits of corporate separateness are radically not applicable to business between Western economies (say, the United States) and economies in the Global South (say, Ecuador), and the Supreme Court's decision is a good opportunity to think about what that means. The Faculty's International Human Rights Program (“IHRP”) sought—and was granted—leave to intervene in the Supreme Court proceedings to advance just this view.

“We are asking the Court to recognize the globalized world we live in and break down the state-centric nature of the common law,” says Renu Mandhane, JD 2001, director of the IHRP. “We're trying to situate this case in a broader legal movement.”

Over the last several years, the IHRP has developed a recognized expertise in the field of corporate accountability for human rights, the basic project of which is to recognize and deal with domestic industry as a responsible actor in foreign (often developing) countries. The field is especially relevant to Canadian law because so many Canadian firms are major players in extractive industries around the world. When the Supreme Court accepted the *Chevron* case, says Mandhane, it was clear that the IHRP could offer a unique and compelling perspective.

The thrust of the intervention (made jointly with Mining Watch and the Canadian Centre for International Justice) is that domestic law should strive to provide meaningful remedies for communities that are negatively affected by international business. The IHRP's intervention argued that the rigid application of common law rules for jurisdiction and corporate separateness inappropriately frustrate access to justice and effective remedies.

“This case is really about fundamental justice,” says Mandhane. “How do courts ensure that someone, eventually, is held accountable?”

The intervention's normative case is buttressed by substantial research into the underlying purpose of corporate separateness and limited liability. Students at the Faculty did much of this research,

IS REALLY ABOUT TAL JUSTICE

including Sarah Beamish, 3L. "There's growing concern in our law that the corporate veil is problematic, and it's not just amongst 'do-good' types," says Beamish. "The rationale is protecting people as shareholders, but the situation for corporate parents who are sole shareholders of subsidiaries is entirely different."

The justification for corporate separateness and limited liability is that the doctrines make it easy for strangers with money to fund the business of other strangers. (In more clunky prose: the doctrines facilitate specialization of capital and management, reduce monitoring costs of capital, and make irrelevant the wealth of individual shareholders.) The end result is substantial social gains in terms of economic activity and wealth generation.

Whatever the economic advantages of corporate separateness and limited liability, there are significant economic and social concerns as well: these doctrines imply that corporations can externalize risks neither managers nor shareholders will totally bear. A good example of this cost is tort victims—like the Ecuadorian plaintiffs—who have no say in whether the corporate defendant will have assets to pay an ultimate judgment.

Cory Wanless, JD 2008, of the law firm Klippensteins, is co-counsel for the IHRP's joint intervention and makes the point thusly: "There is a huge difference between how the legal world and real world view business. What the real world sees is one business. What the legal world sees is dozens of entities, each one separate from the other."

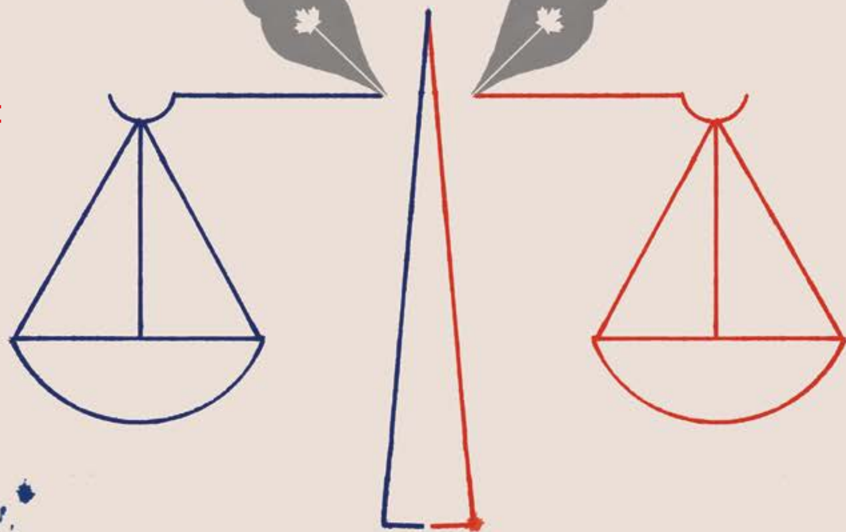
What the IHRP hopes to do with the intervention is force the Supreme Court to recognize, and perhaps begin to reconcile, these competing realities. Says Murray Klippenstein, LLB 1984, lead counsel on the intervention and a leading Ontario lawyer on issues of corporate accountability for human rights: "We'd like to see the court wrap its head around the idea that legal protection between parents and subsidiaries has no foundation in legal and economic theory–it's a mirage."

Except, well, it's complicated. Professor Ian Lee, LLB 1994, associate dean of the JD program, explains how the doctrine of corporate separateness serves a generic economic function by allowing contracting parties to structure their relationships: claims of the parent, for example, are structurally subordinated to creditors of the subsidiary, which facilitates even more refined specialization of capital and management. Seen in this light, allowing the Ecuadorian plaintiffs to enforce against Chevron Canada effectively allows the claims of Chevron to leapfrog the claims of Chevron Canada's current creditors (which could include Chevron Canada's employees).

"The argument is not that the Ecuadorian plaintiffs should lose," says Lee, "but that we need to understand whose interests are being traded off."

It goes without saying that these tradeoffs, whilst very real, are difficult to see and even more difficult to parse, perhaps the best illustration of which was the Canadian Bar Association's thwarted attempt to file its own intervention in the Chevron case. In the fall of last year, the CBA announced it would intervene, triggering protests from members and law students over the process followed in deciding to intervene and the consequences that intervention would apparently endorse. The CBA went ahead and commissioned an intervention, then abruptly changed its mind: "[W]hile the factum was well-drafted and of a high standard of quality, it did not meet the specific requirements of CBA's intervention policy."

The CBA's backpedalling also highlights, with exquisite awkwardness, how the Chevron case specifically, and transnational business generally, are deeply, emphatically political. While it remains unclear whether the Supreme Court will engage, or even acknowledge the politics in the Chevron case, it seems a virtual certainty that if the case does proceed, at some point the parties will be back to Ottawa for a final (final) resolution.



Life, Liberty and Equality—Canadian-Style:

The Interplay Between Sections 7 and 15 of the Charter

Friday, February 27, 2015
9:00am to 4:00pm

Alumni Hall, Victoria College, University of Victoria at the University of Toronto
140 Charles Street West

Is equality a principle of fundamental justice under section 7?
How have the courts treated the two separate grounds for challenging government action?
Are there strategic advantages to pleading both grounds or only one?
How can different cases challenging the same law proceed differently based on the ground pleaded (e.g. Bedford and Downtown Eastside Sex Workers)?
How does the relationship between the sections play out in circumstances such as mandatory minimum sentencing, challenges to the NCR provisions, human smuggling legislation?

Organized by the David Asper Centre for Constitutional Rights
Registration required: **http://uoft.me/2DW**

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UNIVERSITY OF TORONTO
FACULTY OF LAW

By Mark Witten
Illustration by Sandra Dionisi

BALANCING ACT

US Supreme Court looks north to 'Canadian-style' patent law system

After a century of neglect, patent cases have catapulted onto centre stage at the Supreme Court of the United States (SCOTUS)—but this time with a decidedly Canadian twist. In a striking trend since 2005, SCOTUS has adopted a Canadian-style balancing of protection and innovation as a standard feature, and reversed numerous pro-patent holder decisions made by lower appellate courts.

When patent disputes suck up the lion's share of future innovation dollars, a common sense, Canadian-style approach says that the costs and benefits of patent protection are seriously out of whack. In 2011, for example, spending by Apple and Google on patent lawsuits and large patent purchases was greater than spending on research and development of new products, according to *The New York Times*.

"Proportionality analysis seeks to balance protection of past innovation with healthy future innovation," said Kathleen Sullivan in her keynote speech at the third annual Patents Colloquium, Nov. 21, hosted by the University of Toronto Faculty of Law's Centre for Innovation Law and Policy. Sullivan, a leading US appellate advocate at Quinn Emanuel Urquhart & Sullivan LLP in New York, argued the US Supreme Court has strategically intervened in the field of patent law to help restore balance to the patent system so that it encourages rather than stifles innovation.

"Canada likes the principle of proportionality. In contrast to US constitutional law, Canadian constitutional law uses proportionality analysis that acknowledges there may be competing interests or rights claims, and overtly balances the costs and benefits of protecting one at the expense of another," said Sullivan, a former dean of Stanford Law School and constitutional law professor, who has represented high-tech clients including Samsung, Google, Oracle and Cisco in patent cases since joining the firm in 2005 to lead its national appellate practice.

In *eBay v. MercExchange* (2006), SCOTUS determined injunctions shouldn't automatically be issued in all cases of patent infringement. It overturned the Federal Circuit's approval of an injunction that prevented e-Bay from continuing to use an online auction technology patented by MercExchange. The ruling restored a traditional four-factor test that makes it harder for plaintiffs to get a permanent injunction to stop the sale of a product or service.

In *KSR v. Teleflex* (2007), the Court ruled that Teleflex's adjustable automobile pedal assembly patent was invalid for being obvious. It simply combined pre-existing pedal technology with a pre-existing electronic sensor technology. Sullivan said that a more flexible standard of obviousness makes it easier to challenge patents as obvious and narrows patent scope.

She also referred to four recent rulings that limit the scope of patent eligibility, reaffirming that laws of nature or abstract ideas are not patentable. In *Mayo Laboratories v. Prometheus* (2011), the court found that a method for correlating metabolites measured in blood and responsiveness to drugs couldn't be patented. In *Assn Molecular Pathology v Myriad Genetics* (2013), the BRCA1 and BRCA2 gene case, the Court found that merely isolating genes found in nature doesn't make them patentable.

In her amicus brief to the US Supreme Court on behalf of Google, Cisco, Oracle and other high-tech giants in support of Limelight Networks, Sullivan had argued that the Federal Circuit's Akamai ruling encouraged more litigation, fuelling spiraling costs and the potential for abuse in patent litigation.

"Every dollar spent defending against patent suits is a dollar that could be used to research new products, improve existing products, or simply bring products and services to customers more efficiently at cheaper prices," she wrote.

While these decisions clearly resemble the Canadian approach favouring balance, Sullivan said that another driving factor is the Roberts Court's more general efforts to put the brakes on a US system of civil litigation that many perceive to be out of control.

"The Court wants to rein in the use of patents as a weapon," she said.

This article has been edited and condensed. Read the full version online: **uoft.me/patentlaw2014**

The annual University of Toronto Patent Colloquium is made possible by a generous gift from Teva Canada.

TOP 10

Have you read our Top 10 online news stories?

Our most-read web stories for 2014 covered the gamut from new, current and graduating students to incoming faculty, new and departing deans, and alumni achievements:

10 / Influential alumni
Five alumni & adjunct professor named to 2014 Top 25 Most Influential Lawyers List by Canadian Lawyer

9 / Jobs
Our grads get jobs: Nine graduate students land academic positions this year

8 / New student
Incoming: Top U of T student Shan Arora picks Faculty of Law

7 / Free LSAT Prep
Faculty of Law's first free LSAT prep course helps send seven students to law school

6 / New Dean
Prof. Ed Iacobucci is new dean of the University of Toronto Faculty of Law

5 / Mooting
U of T Law 2014 mooting results

4 / LAWS program
LAWS program celebrates its first graduate to be accepted to law school—and Alissa Saieva picks U of T

3 / Graduation
Congratulations to the Class of 2014!

2 / Departing Dean crosses Philosopher's Walk
Dean Mayo Moran appointed the 15th Provost of Trinity College

1 / New Faculty
Three new scholars join the Faculty of Law

Read the full stories online here:
http://uoft.me/toplaw14

CASE silver award goes to *Nexus*

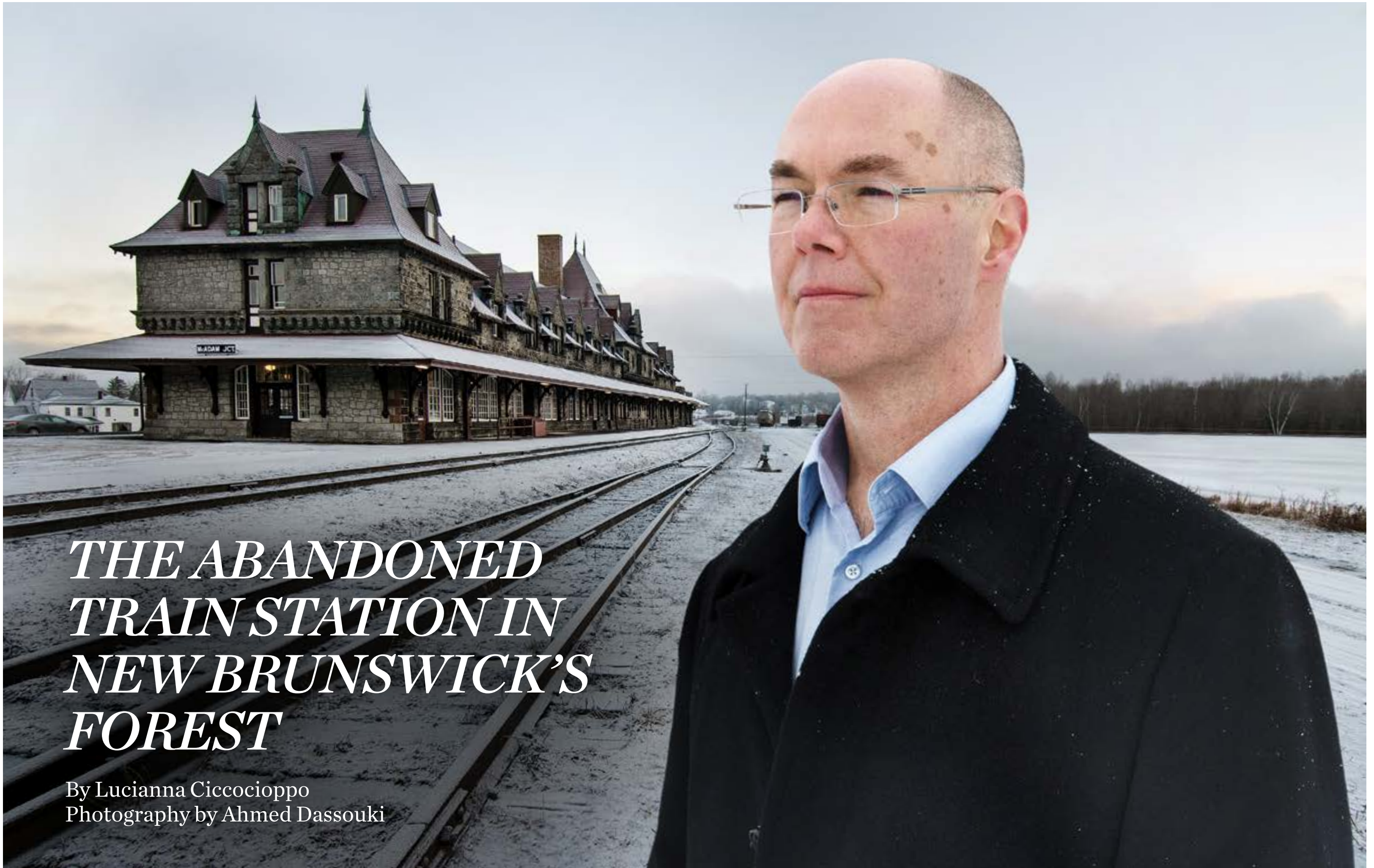
We're thrilled. *Nexus* magazine has been recognized with more awards.

The Council for Advancement and Support of Education held its District II Accolades Awards last fall and has awarded *Nexus* a silver for best magazine in the four-year colleges/universities category (and an honourable mention in the multiple-page publications program), up against some heavy hitters in the Eastern USA.

"Clean and crisp with intriguing illustrations, *Nexus* magazine provides compelling coverage of hot topics, asking 'the big questions' relevant to the legal profession, while remaining interesting to the general reader…Stood out as one of the strongest alumni magazine entries."

Thank you to the talented editorial, freelance and design team who help to make this magazine happen!

"Photo on page 8 is fantastic."



THE ABANDONED TRAIN STATION IN NEW BRUNSWICK'S FOREST

By Lucianna Ciccocioppo
Photography by Ahmed Dassouki

ALUMNUS MARK WALMA: SELLING OUT BOOKS TO SAVE THE MCADAM STATION

In the southwest corner of New Brunswick near the Maine border, surrounded by thick emerald swaths of forest and lake-speckled countryside, lies a village of about 1,200 people, where churches are plenty and the old cemetery is divided into Protestant and Catholic. It's a peaceful Maritime town, about 45 minutes from Fredericton, that welcomes, indeed beckons, locals and not-so-locals to come visit its little-known source of pride: the McAdam railway station.

A stunningly enormous and châteauesque landmark for 115 years, the former Canadian Pacific Rail station is linked to a World War 1 German spy story, Winston Churchill, and skater Barbara Ann Scott (view the website to find out how). It played a starring role in the rise and fall of the railway era, when it transported munitions and lumber to the eastern seaboard and the wealthy fedora-and-gloves-set to the nearby resort of St. Andrew's.

Today, the train station, no longer on an active rail line, is falling apart, and New Brunswickers like Mark Walma, LLB 1994, are trying to help out.

He's written a series of children's books, based on the character Abigail Massey and set in the 1940s, to raise funds to restore and preserve the station, now a designated national and provincial heritage site.

"When we launched the first book, we didn't know what would happen. We were so new at this," says Walma, who practiced law and journalism in and around Hamilton, Ontario before heading east to Fredericton with his spouse six years ago.

"We scheduled a launch with no books, just seven demos, and 40 people showed up. Then CTV came with a camera and we were on the Sunday night local news. The next day, the Fredericton *Telegraph* emailed me and the *Gleaner* called, and we had full stories in the papers. CBC Radio invited me for an interview in the morning time slot. After three days, I had people contacting me for books," says Walma. When the first print run of 500 copies finally arrived, "We sold out at the farmer's market in Fredericton that Saturday." A signed coffee table book of historical photos also sold out during printing, 150 of them.

With three books published, and a Christmas special edition, the tales of Abigail Massey are read as far away as Australia, England and Holland. "It was *the* place to work as a young girl to support Canada during the war," says Walma. "It had a stern housekeeper, Miss Quinn," he says, and quite the hierarchy of hotel staff—fodder for his books, which to date have raised more than $20,000.

The McAdam Historical Restoration Commission owns the station, now a museum offering tours, catered meals, conference facilities—and in the summer, Railway Pie Sunday. The spectacularly retro lunch counter fills up, as families and tourists tour the station, eat the homemade pies—and spend money.

"The commission learned fundraising from the ground up," says Walma, "starting with bake sales." With the help of a grant, the entire first floor, the dining, lunch, baggage, and "ladies waiting" rooms, among others, was refurbished. So too was the jail cell.

Walma says the hope is to refurbish the second-floor hotel to attract weekenders and longer conferences.

"Since we've released the books, they've sold 50 per cent more railway pies."

Find out more: **mcadamstation.ca**, **abigailmassey.ca**

ISIS IN IRAQ: the legacy of flawed institutional reform

By *Richard Stacey,* Assistant Professor, University of Toronto Faculty of Law and *Zaid Al-Ali,* Senior Advisor on Constitution-Building, International Institute for Democracy and Electoral Assistance

Illustration by Michael Sloan

The revolutions of the Arab Spring four years ago changed the political and constitutional shape of the Arab region. In the transitional period since then, a great deal of attention has been focused on structural questions such as the form of government (parliamentary, presidential, or semi-presidential?), on appointment procedures for judges (a judicial service commission, legislative confirmation, or executive nomination?), and on narrow questions of constitutional law (Should the bill of rights contain a general limitations clause? By what procedure should a state of emergency be declared?). However, not much attention has been given to the reform of the security services that authoritarian regimes in Egypt, Libya and Tunisia relied on to suppress and undermine political opposition.

This may prove to be a costly mistake, and early indications bear this out. In Egypt, the military has secured influence in civilian government by co-opting the constitutional drafting process and crafting constitutional provisions that ensure military representation in executive government. In Libya, the total collapse of an organised and legitimate security sector has meant that the government elected in June 2014 now meets in a ferry docked in the port city of Tobruk, forced to flee Tripoli by militias loyal to an Islamist rump parliament.

The challenge is to reform the police, military and intelligence agencies from being tools of political repression into independent agencies accountable to a democratic and civilian government, while ensuring they remain effective in providing security and are shielded from manipulation or partisan abuse by the civilian government. Nowhere has this need been made more obvious than in Iraq, where the collapse of the Iraqi security services has contributed to the rapid and dramatic military success of the Islamic State (ISIS). The gutting of Saddam Hussein's security services under Paul Bremner, the United States' appointed Administrator of the Coalition Provisional Authority of Iraq, and the flawed constitutional and institutional reform process by which it was reconstituted, are largely to blame.

One of Bremner's first acts was to disestablish virtually every security service in Iraq: CPA Order 2, 23 May 2003 dissolved the army, air force and navy, the Department of Border Enforcement, the police, customs police, emergency corps, Oil Field Police, the National Information and Investigations Agency, the Special Operations Forces and the Iraqi Intelligence Service. On 7 August 2003, CPA Order 22 established a new Iraqi army. Between 2003 and 2006, however, Iraq had no effective domestic security force, as US soldiers, unable to communicate with Iraqis, proved incapable of promoting law and order while Iraqis recruited to the hastily-formed Iraqi National Guard and under the command of coalition forces refused to take action against fellow Iraqis. Militias roamed the streets, kidnapping Iraqis, extorting ransoms and terrorizing local communities.

Against the background of an already fragile security situation, Prime Minister Nouri Al-Maliki's abuse of vague and ambiguous provisions in the 2005 Constitution between 2006 and 2014 served only to undermine the efficacy of the security services. Article 78 of the Constitution provides, with no further detail or explanation, that the Prime Minister is 'the commander in chief of the armed forces'. Maliki relied on this position to circumvent the civilian chain of command, establishing the 'office of the commander in chief' as the institution to which the armed forces were ultimately accountable. At the same time, Maliki exploited the vagueness of Article 9, which did not explicitly require the establishment of a single, unified army, to create military units that were directly accountable to the Prime Minister. He appointed and dismissed senior military leadership as he wished. With the military at his beck and call and stacked with loyalists, Maliki has deployed the military as his preferred instrument of coercion. Military officers have opposed the reconstruction of a domestic police force in an effort to protect the privileges and opportunities for rents that Maliki's regime has created for them.

By 2014, the leadership of the Iraqi military was shot through with corruption, and morale among the rank and file was low. Desertion rates were high: soldiers in about 60 out of Iraq's 243 combat battalions could not be accounted for, and their equipment had gone missing. In June 2014, confronted with the ISIS offensive in Mosul, 30,000 Iraqi soldiers abandoned their posts in the face of an ISIS force 800 strong. Perhaps most telling, Maliki's preference for Shiite military personnel and their operations in Sunni communities alienated Sunnis. Most of the management structure of ISIS's current military organisation is drawn from among the officers of Saddam's Sunni army.

This should serve as a warning to democracies emerging from authoritarian regimes. A constitutional and institutional structure that allows for easy partisan abuse or manipulation of the security services not only undermines the consolidation of democracy, allowing executive leaders to suppress opposition, recreate an environment of fear and re-consolidate political power in a single office, but also compromises the capacity of the security services to fulfil basic functions of peacekeeping and military defence. In all the recent and ongoing cases of constitutional transition – Egypt, Tunisia, Libya, Yemen, maybe one day Syria – it remains important to ensure both that the security services are shielded from partisan abuse and capable of guarding against insurgency.

Mr. Winnipeg

New mayor Brian Bowman, JD 1999: On hotly contested elections, building up his hometown, and grabbing life's opportunities as they come

By Karen Gross
Photography By David Lipnowski

KG: Tell me about your experience in student politics while you were at U of T.

BB: I was really active in the Students' Law Society. I was vice-president in my second year, and then I was president of the SLS in my final year.

It was a great experience because it was a contested election and I was running against some really impressive students. In hindsight I guess it was a bit of a trial run for running for public office. The University of Toronto is very much embedded in the business community and the larger community. There was a lot of public outreach that the position afforded me. At the time, we worked pretty collaboratively with the administration and Dean Daniels, assisting the school to raise money for the back-end debt relief program. Dean Daniels and I would regularly visit the Bay Street law firms to solicit funds to support that program. Representing the law students and all the administration and most importantly the juggling of the calendar as a busy student was a wonderful experience. I definitely learned a lot.

KG: I read that you once said the battle for president of the SLS was tougher that the battle for Winnipeg mayor. Is that true?

BB: I don't know if that would be accurate but it was tough. There were some really good students that were running. It was a hard fought election, much like the election here. On election day I didn't know how things were going to turn out.

KG: Your victory in the mayoral election was unexpected. What do you think clinched it for you?

BB: I think people were really looking for vision and change. We've had a turbulent period at city hall in the last term and there was also a real desire not only for change but a greater vision for Winnipeg. We've had a number of really good things happening here. Manitoba has a low unemployment rate. We have a really diversified and growing economy. We had the Jets return. We had the Canadian Museum for Human Rights open. We have a beautiful, world-class stadium for the Blue Bombers, and a new airport. There's really a lot of investment and economic activity in Winnipeg right now, but people were looking for what's next. How can we continue to elevate our game and compete internationally, and compete against other Canadian cities in some cases, for headquarters and other jobs?

KG: A lot has been made about the fact that you're the city's first Indigenous mayor. How significant do you think that is?

BB: It really wasn't a huge factor during the campaign. I've always been open and very proud of my people's heritage but most people didn't vote for me because of that. They wanted to get somebody in there who can get results. First and foremost I'm a Winnipegger. That said, Winnipeg, not unlike many other Canadian cities, has a growing Indigenous community. If my own personal story can act as a bridge between communities and continue to bring Winnipeggers together so we can build the type of city we're all proud of, then that's a great opportunity, especially as it relates to our young Indigenous and Métis communities.

KG: What are the key challenges there?

BB: They're not unlike the challenges facing all members of our community. All families want what's best for their children. They want to have increased opportunities for them in terms of jobs and employment. There are obviously some historical challenges that members of the Aboriginal community have faced, and Winnipeg, like other cities, is doing really good work to create opportunities for everyone. I chose to appoint myself as secretary of Urban Aboriginal Opportunities. It's a portfolio that will really be focusing on providing those opportunities. Winnipeg has the largest per capita number of Aboriginals—which include Métis, First Nation and Inuit—in Canada. And it's expected to continue to grow. I see that as a source of strength and opportunity. I think increasingly Winnipeggers are coming to that realization and I hope that members of the national community recognize that Winnipeg is a pretty cool place to visit and invest in because of our Aboriginal community. It's really a source of strength.

KG: How do you see Winnipeg five years from now? What changes do you envision?

BB: One is a city hall that works and is much more open and accessible. And I'd expect that our city hall will be the leader in Canada for openness and transparency. The second lens that I look at is stronger and safer neighborhoods. We have a very vibrant downtown and a lot of suburbs. We've really been focusing on how do we strengthen those communities, and make them safer and healthier. Probably the most important thing for me is a growing, thriving, more modern Winnipeg. My ultimate goal is to reach a million people. We're not going to do that within five years but we're well on our way to reaching that in 20 years and I want to try speeding that up. With a growing population, we need a full rapid transit system, better infrastructure, and an increased focus on jobs and the economy. So I'll be travelling to every major Canadian city in the first year of my mandate to invite Canadians to invest, travel and relocate to Winnipeg.

KG: There's something else that drives you. An experience you had while doing a summer internship in Mexico when you were a law student. What happened?

BB: I worked for the Mexican Ministry of Foreign Affairs doing analysis of the OECD and NAFTA. It was an incredible experience. I also did advising and analysis for the foreign minister on Canada's federal election in 1997. Coming back from a surfing trip, I was on a bus that was attacked. Some guys opened fire on us with machine guns. We had a bullet go between me and the guy who was sitting beside me, and it blew out a woman's kneecap.

KG: How did that change you?

BB: I think it's not unlike traumatic incidents people have when they have a health scare. You reevaluate your own mortality. In the years that followed, I realized that I was more focused. I didn't want to wait for things to happen in my life. And wanting to make a difference in the community where I live is, I'm sure, influenced by that experience.

Read the full version of the Q & A here: **http://uoft.me/bowman**

Photography by Michelle Yee

REUNION 2014

About 370 alumni from class years ending in '4' and '9' attended Reunion, Oct. 24-26, 2014, a spectacular weekend of reminiscing over brunches at the law school, dinners in downtown restaurants, kids' activities and for the second year, construction tours of the Jackman Law Building site. A special shout-out to the Class of 1959's Edmund L. Schofield, who attended the construction tour and reception, and to the following classes for the largest turnouts: Class of 1974, 1999 and 1989. Read Class of '89 alumna Shauna Van Praagh's letter to the law school, on why her 25th anniversary Reunion was 'worth it': http://uoft.me/1989worthit.

1955

JACK IWANICKI, LLB: (As submitted by Eric Appleby) Jack Iwanicki passed away March 7, 2014. He graduated first from the University of St. Michael's College and later from the Faculty of Law. He earned three master's degrees in philosophy. He taught philosophy at the University of New Brunswick and retired at age 65. He was 83 and suffered from Parkinson's. After his death his estate announced a $500,000 donation to Habitat for Humanity Fredericton Area.

1969

NORMAN ZLOTKIN, LLB: I spent the winter of 2013 as a visiting professor at the University of Waikato in New Zealand. In July 2014, I retired from my full-time position as a professor at the University of Saskatchewan College of Law.

1978

MICHAEL JOHNSON, LLB: I'm proud that my son Sean chose U of T Law, and is now in first year. Sean is the third generation to attend U of T Law, as my father John T. Johnson, Q.C. was an alumnus of Victoria 3T5 in the undergraduate law B.A. program, which preceded the establishment of the Faculty of Law.

1979

JOHN MARK KEYES, LLB: I retired in 2013 from my position as the chief legislative counsel in the Department of Justice (Canada) and now teach as an adjunct professor at the Faculty of Law (Common Law) of the University of Ottawa. I am also the treasurer of the Commonwealth Association of Legislative Counsel and editor of its journal, the Loophole. And I indulge in extra-legal pursuits as the president of the Ottawa Little Theatre.

1981

ELAINE J. ADAIR, LLB: In 2014, I sponsored two concerts performed by the medieval music ensemble Sequentia. The first was the North American premiere of music composed in the 12th century by the Benedictine visionary and composer Hildegard von Bingen. The second was music from the 9th, 10th and 11th centuries in a program titled "Fragments for the End of Time." Both concerts were presented by Early Music Vancouver. Last June, I was thrilled to receive an honorary Doctor of Civil Law from the University of Western Ontario (my other alma mater) at the spring convocation. In fall 2014, I sponsored two concerts presented by the Vancouver Recital Society. Also in November, I celebrated the sixth anniversary of my appointment to the B.C. Supreme Court.

1983

ROSALIND CONWAY, LLB: I am still practising criminal law in Ottawa, and became a certified specialist in 2008. In February 2014, I became a deputy judge in the small claims court in Ottawa. I play Celtic music in pub sessions and with the Ottawa Ceili Band, and am married to Dave McKercher, Class of 1980, who works at the Public Prosecution Service in Ottawa.

1989

BARNET (BARNEY) KUSSNER, LLB: Last year marked the 25th anniversary of my graduation from U of T Law. Since that time, there has been one constant and many changes. The one constant is that I work at the same Toronto law firm (WeirFoulds LLP) that I joined as an articling student back in 1989. I became a partner in 1997 and am co-head of the firm's Municipal and Planning Law Group. On the personal side, I have a 17-year-old son Harrison and, since remarrying in 2009, two more recent and delightful additions—Dylan, 5 and Emma, 3. Weekends for my wife Lisa and I are filled with everything from soccer league to ballet class to driving lessons and, when time permits, I enjoy long-distance running. I have temporarily given up on marathons, with 14 already under my belt, due to lack of training time, but I regularly run half-marathons for personal enjoyment and charitable causes. I regularly get together with my U of T Law classmates and enjoyed celebrating our 25th anniversary last fall.

1995

NEIL GUTHRIE, LLB: I have been elected a Fellow of the Society of Antiquaries of London (FSA).

JAMES OTIENO ODEK, SJD: Greetings from Nairobi, Kenya, East Africa. It gives me a great pleasure to pen an update on my sojourn and activities since completing my SJD at the Faculty of Law. I returned to Kenya where I joined the Faculty of Law at the University of Nairobi and rose to the rank of senior lecturer and then associate professor of public law. I served as chair of the Department of Public Law and subsequently became dean of the School of Law (2004 and 2010-2012). Between 2004 and 2010, I was appointed the managing director of the Kenya Industrial Property Institute where I was the registrar of trade marks, registrar of patents and the registrar of industrial property. I had the occasion to serve the World Intellectual Property Organization as the chair of the Paris Union, chair of the Berne Executive Committee and chair of the Madrid Union. I also had the privilege to serve as the president of the Main Committee II of the WIPO Singapore Diplomatic Conference on the Law of Trade Marks. In 2012, I was appointed a judge of the Court of Appeal of the Republic of Kenya. Presently, I am

serving as a sitting judge of Appeal. I am married to my lovely wife Anne Achieng Oluoch and the Almighty God has blessed us with two charming boys William Otieno, 23 and Wilson Odhiambo, 20.

This year, it will be 20 years since I left Pearson International Airport and it is my hope that I will soon visit the law school to share my post-graduate academic and life experiences with continuing graduate students. To the LLM and SJD students , I say from experience that post-graduate studies is an immense contribution to one's academic, social and cultural standing in society and evinces a great economic potential in realizing the dreams and aspirations of life. I do say without fear of contradiction that a U of T post-graduate degree provides invisible multicultural, interdisciplinary and multilateral opportunities whose benefits you shall realize and experience upon graduation.

1998

RUSSELL SACKS, LLB: I received the 2014 Cornerstone Award from the Lawyers Alliance for New York, which honours outstanding pro bono legal services to nonprofits. I'm a partner in the Financial Institutions Advisory & Financial Regulatory Group of Shearman & Sterling LLP.

1999

DAVID COLLINS, JD: I was appointed professor of international economic law at City University London. I'm also writing my second monograph on international investment law while on sabbatical at the University of Oslo, and at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany.

RICHARD ASHOK COUTINHO, JD: After the Faculty of Law, I graduated with a master of law from Harvard Law School and spent a year as a junior fellow at Wolfson College, University of Cambridge. After articling and working as litigation counsel with Ontario's Office of the Public Guardian and Trustee, I worked at the Ministry of the Attorney General's Crown Law Office – Civil (negligence and malicious prosecution; Aboriginal litigation) as well as the Constitutional Law Branch before returning in 2008 to the Office of the Public Guardian and Trustee, where I currently work as a client lawyer. I have appeared in all levels of court, including the Supreme Court of Canada, and have particular experience in mental health and estates litigation. Since 2007, I've served as a board member for the Alliance of South Asian AIDS Prevention (ASAAP), for which I received the Ontario Public Service's Spirit Award. I was also recently recognized by ASAAP as one of "25 Champions for 25 years". I'm on the board of the Association of Law Officers of the Crown, which represents approximately 750 civil legal counsel and articling students employed by the government of Ontario, and I was recognized in 2011 and 2013 with the Ministry of the Attorney General's Janina Korol Award, its highest award in customer service.

BINDU CUDJOE, LLB: I was appointed deputy general counsel and chief administrative officer of the Legal, Corporate & Compliance Group (LCCG) at BMO Financial Group, where I manage a team of 50 legal professionals and have accountability for the operations of LCCG and its 640 employees, including human resources, finance, real estate, strategic projects and BMO's external counsel program. I joined BMO in 2012 as senior counsel in the Canadian P&C legal group, and most recently led the corporate banking legal team. Prior to BMO, I was a partner at McMillan LLP in the financial services group.

KAREN WHONNOCK, LLB: Hello from Terrace, BC. I was at U of T and graduated with a JD in 1999, under my maiden name Karen Abbott. I was recently designated as Queen's Counsel.

JASON LEUNG, JD: After 13 years of practice, I opened my own law firm, Leung Law PC, which focuses on business and intellectual property law. I live in Toronto with my wife Jennifer and our two wonderful daughters Rachel, 6 and Abigail, 3.

2004

CHRIS HEER, JD: Last February, my wife Shauna Ellis and I (and daughter Sarah) welcomed twin boys, Aidan and Andrew. I also opened my own law firm last year, Heer Law, which specializes in intellectual property law, intellectual property litigation, and patent and trademark agent services. *www.heerlaw.com*

2006

JENNIFER L. SCHULZ, SJD: In 2013 I was an invited honorary research fellow at the Centre for Law & Humanities at Birkbeck School of Law, University of London, and a faculty visitor at the Faculty of Law, University of Cambridge, UK. In 2014 I was a visiting scholar in residence at the Centre for the Legal Profession at the University of Toronto Faculty of Law, and a fellow of the Winkler Institute for Dispute Resolution at Osgoode Hall Law School, Toronto.

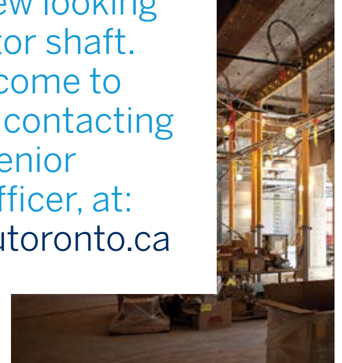
2007

WARREN BEIL, JD: After practicing for approximately seven years in the areas of Canadian capital markets, and metals and mining, I have joined Cactus Club Café as general counsel. Cactus Club is a leader in casual and fine dining with inventive design and food quality. I am looking forward to the challenges of a new practice area and the dynamics of the food and hospitality industry in Canada.

MARTÍN HEVIA, SJD: In 2013, I was appointed executive dean of the law school of the Universidad Torcuato Di Tella in Buenos Aires, Argentina, where I have also directed the law program since 2010. At the law school, we are very proud to receive academic visitors from the University of Toronto (Professor Nedelsky visited last year), as well as exchange students. *mhevia@utdt.edu*

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

Fall foliage greets the new Torys Hall in the Jackman Law Building. Reunion 2014 visitors saw the spectacular view, looking down from the study lounge on the top floor of the library, and a ground floor view looking up to the elevator shaft. Alumni are welcome to visit the site by contacting Sean Ingram, senior development officer, at: sean.ingram@utoronto.ca



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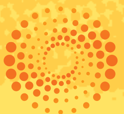

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