

nexus

THE UNIVERSITY OF TORONTO FACULTY OF LAW ALUMNI MAGAZINE
FALL / WINTER 2017

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RIGHTS IMPACT



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FORREST FINN IS LIVING OUT A CHILDHOOD DREAM

By age 13, Forrest Finn knew he wanted to pursue a law degree.

As the son of a young single mother in a small town in British Columbia, Forrest saw first-hand how lawyers provided a helping hand in assisting his family in getting a house, and he wanted to help others the same way by becoming the first in his family to attend university.

Now Forrest, one of many bright students who receive needs-based bursary assistance, is pursuing his dream. "The bursary program at the Faculty of Law will encourage a more diverse legal profession that looks more like the communities that it serves. I wouldn't be here without it," he says.

Your support helps exceptional students like Forrest, who come from diverse socio-economic backgrounds, to learn, connect and make a difference.

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BOUNDLESS

nexus

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PHOTO BY MICHELLE YEE

The continuity of evolution

Innovation is a word that's used quite a bit these days, often in connection with technological change such as Artificial Intelligence. But innovation can mean many things—big or small, tech-related or not—to organizations seeking ways of doing things that are new, more efficient, and have greater impact. As the headline says, the only constant is evolution. The founding of the modern law school at the University of Toronto was itself a major innovation in legal education in this province, and we have been evolving ever since.

Recent innovations at the Faculty of Law include three new concentrations to the unique Global Professional LLM program: Innovation, Law and Technology; Canadian Law in a Global Context; and the Law of Leadership. In response to new legal or academic developments, our JD courses evolve their content, year over year. So too do our teaching methods, supported by our strong interdisciplinary approach to legal education. Our cover story, "Not Your Old School Law School," spotlights some creative approaches to teaching and learning here at the Faculty of Law, taking advantage not only of our proximity to the largest legal community in the country, and of our partnerships with adjuncts, but also our global connections to legal minds around the world.

As usual, our academic term was busy, with thought-provoking panel discussions and student and alumni events. You can read about many of them on our website, law.utoronto.ca, and we give you a short update in our news section. Alumnus John Borrows argued the UN Declaration on the Rights of Indigenous Peoples should be binding, in his keynote from the Asper Centre's Constitutional Law Symposium. University Professor Michael Trebilcock—the only Canadian academic invited to speak at the IMF's annual conference last October—shared an illuminating conversation with us on untangling international trade negotiations. The International Human Rights Program celebrated 30 years of impact. These are just some of the highlights of last term revisited in this edition.

We are grateful once again for the outstanding generosity of our alumni: to name but a few, a \$1M gift to fund bursaries for Indigenous law students, from Norman and Gay Loveland; endowed funding for the J.R. Kimber Chair in Investor Protection and Corporate Governance, as well as a seven-digit contribution to student financial aid, from our wonderful benefactor, the Hon. Hal Jackman; and gifts from alumni Yousuf Aftab, Jonathan Anschell and Virginia Davies are featured. Thank you to all our alumni who have stepped up to give back and support student financial aid. And a special note of gratitude to Lionel Schipper—and all those who worked with him on the law school's first-ever campaign—to build the Bora Laskin Law Library. He shares some great memories with us.

We'll keep you posted on all our news and events, via our online and social channels, and hope to see many of you in the coming months. In the meantime, enjoy this printed edition of Nexus!

Ed Iacobucci

ED IACOBUCCI
DEAN OF THE FACULTY OF LAW

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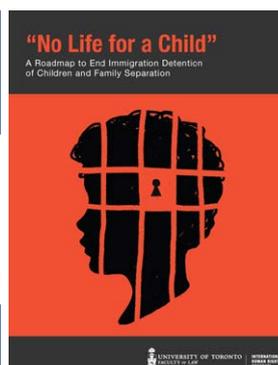
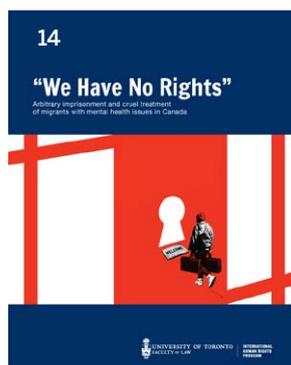
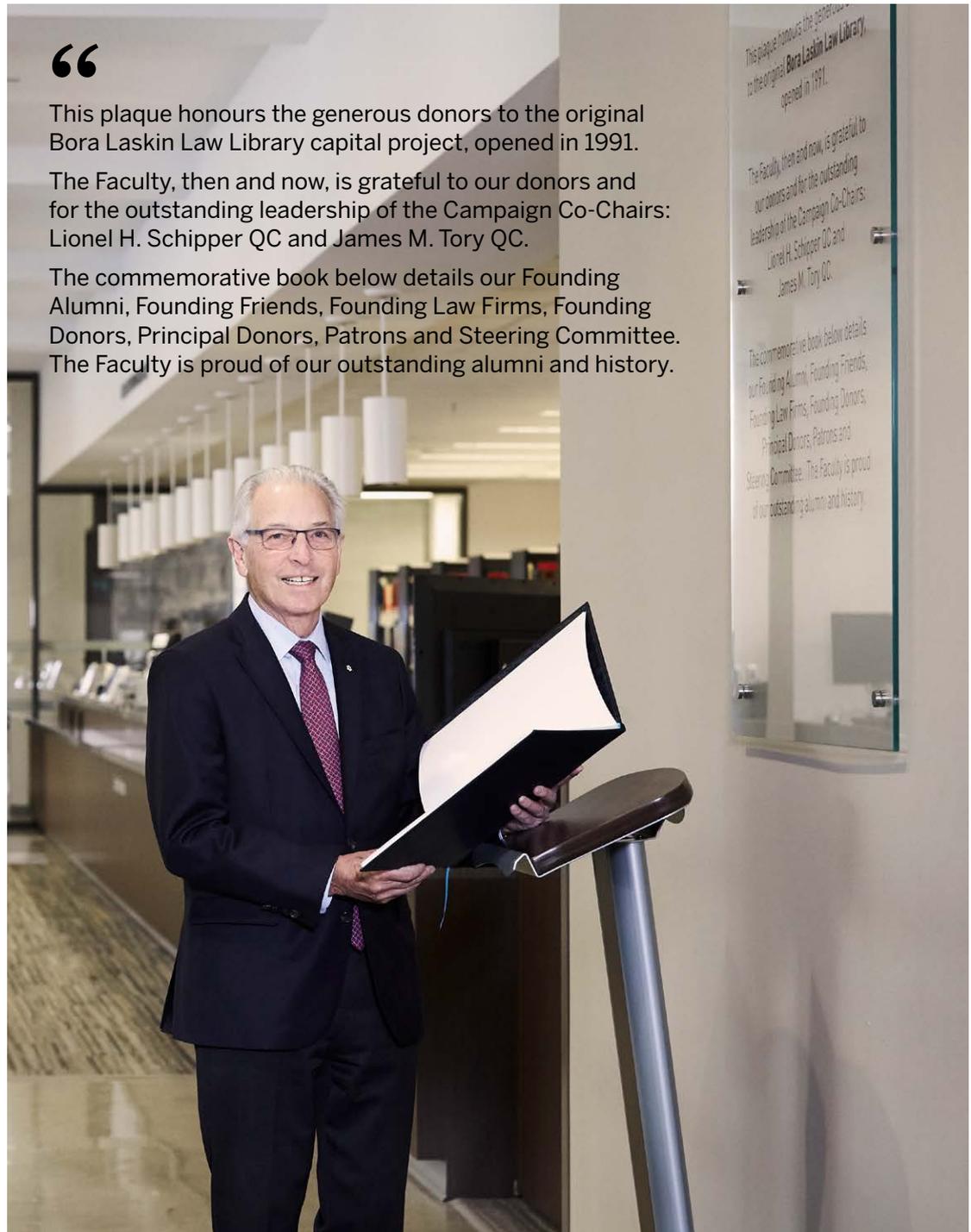
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KAREN GROSS
WRITER, "NOT YOUR OLD SCHOOL
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Karen Gross worked for many years as a national CBC broadcast reporter. She was also co-host of CBC radio's "The World at Six," before moving to San Diego in 1998. Since then, she has worked at the local NPR station, and has written for several university publications. When she's not writing or chauffeuring her three rapidly growing children, she can often be found volunteering at the local SPCA. She's a regular contributor to *Nexus* magazine.



KOTRYNA ZUKAUSKAITE
ILLUSTRATOR, "NOT YOUR OLD SCHOOL
LAW SCHOOL"

Kotryna Zukauskaitė is a freelance illustrator currently working from somewhere in-between Vilnius, London and Moscow. She's been published in the *Washington Post*, *Wall Street Journal*, *Boston Globe*, *Scientific American*, *Smithsonian Magazine*, among other magazines around the world. When not creating art for clients, she is also studying for a master's degree course at University of the Arts London (Central Saint Martin's).



JAIME WEINMAN
WRITER, "NOT BINDING, BUT IT SHOULD BE"

Alumnus Jaime Weinman, JD 2004, is originally from Ottawa. While studying at U of T Law, he created the blog *Something Old, Nothing New*, which landed him an invitation to become a staff writer at *Maclean's* magazine, where he worked from 2006 to 2017. He currently lives and writes in Toronto.



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Excerpts from the latest news @UTLaw. Read the full stories online: <http://uoft.me/nu18>

1

@UTLaw legal startup adds employment law tool to its AI-powered product portfolio

By Chris Sorensen

When it came time to develop his legal startup's sophomore product, Benjamin Alarie, JD 2002, did exactly what successful entrepreneurs are supposed to do: He listened to his customers.

The University of Toronto law professor co-founded Blue J Legal in 2015, using machine learning algorithms to predict the likely outcomes of future tax law cases. He focused on tax law because it was his area of research expertise and represented a potentially huge market.

Then something unexpected happened.

"We would be talking to lawyers at big law firms about employee classification from a tax law perspective, and someone would ask if we could come and show the labour and employment law group," recalls Alarie, who is the company's CEO.

So, in late November, Blue J Legal officially launched its Employment Foresight tool. As with its original Tax Foresight product, Blue J's machine learning algorithms scan thousands of judicial decisions and detect patterns, both obvious and hidden, in the rulings.



PHOTO: LISA SAKULENSKY

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Justice Gloria Epstein takes the lead: After 23 years, the McMurtry Gardens of Justice are completed

By Andrew Stobo Sniderman,
JD 2014

When Justice Gloria Epstein, LLB 1977, used to look out her office window between the Toronto courthouse known as 361 University Ave. and Osgoode Hall in downtown Toronto, she had a perfectly clear view of, well, not much. She decided to change that. What was once a rundown walkway has become an inspiring art garden. Any passerby can now hear the soothing

gurgle of a fountain and marvel at six magnificent sculptures. It only took 23 years, Epstein's iron persistence, and many, many helping hands. The first sculpture arrived in 2007. Four years later, long dormant fountains came

back to life, and five more statues followed over time. The garden was deemed complete with the arrival of two final sculptures in October 2017. The McMurtry Gardens of Justice are dedicated to the life and work of the Honourable Roy McMurtry, a former Chief Justice of Ontario.



PHOTO: JESSICA DONNE

3

Rotman@LAW

New for 2017-18, **Rotman@Law** is an exciting collaboration between the Faculty of Law and the Rotman School of Management that gives law students access to three pre-MBA online courses in accounting, finance and statistics. Featuring some of Rotman's top instructors, these courses are designed to provide law students without a business background with an easy-to-grasp introduction to basic concepts and skills. They are also useful refreshers for others. Students must complete all three courses to receive a Rotman@Law certificate of completion. These courses are not for credit and do not count towards the JD degree requirements. The online courses are housed on the edX platform, managed by Rotman.

4

Pressed for time? Check out: *149 Paintings You Really Need to See in North America (So You Can Ignore the Others)* by alumnus Stephen Grant

By Lucianna Ciccocioppo

What's a busy partner at one of Toronto's top family law firms doing writing an art book?

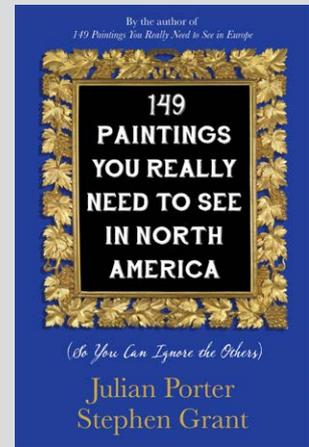
"Enjoying my life, sharing my experiences, reflecting on all of the great art I've seen," says alumnus Stephen Grant, LLB 1973, of Grant Crawford Watson LLP.

Grant is co-author of *149 Paintings You Really Need to See in North America (So You Can Ignore the Others)*. He wrote it with his friend, fellow advocate Julian Porter, he of the book, *149 Paintings You Really Need to See in Europe (So You Can Ignore the Others)*. Grant likes to point out the Mona Lisa is not in Porter's first book, "because Julian thinks it's mud."

In this 480-page book, Grant goes beyond the usual famed oeuvres, hoping to challenge your reactions. Vincent Van Gogh's "Starry Night?"

"It's gorgeous. It's lovely. I was there [the Museum of Modern Art] the other day and I kept thinking how I could have put *Starry Night* in there. But I didn't."

There's Jean-Michel Basquiat, the Haitian-American prodigy who overdosed at 27, American painter and printmaker Joan Mitchell, Canadian Emily Carr and many European artists.



5

Five alumnae named among Canada's Top 100 Most Powerful Women by Women's Executive Network

Five alumnae have been named in the 2017 "Canada's Most Powerful Women: Top 100" list prepared by the Women's Executive Network (WXN). The list pays tribute to the outstanding women across Canada who have advocated for diversity in the workforce, and who serve as an inspiration for the next generation of leaders.

Carol E Derk LLB 1984	Melinda Park LLB 1991	Lisa C Philipps LLB 1986
Joanna Rotenberg JD/MBA 2001	Andrea Stairs JD/MBA 2000	

6

Recent JD graduate Ashley Major receives new award given to students researching gender-based violence

By Geoffrey Vendeville

In December 2017, Ashley Major, JD 2017, received a \$1,500 award for scholarly achievement for research in the area of gender-based violence. The awards, which were established on Dec. 6 of 2016 on the anniversary of the Montreal Massacre, are reserved for one undergraduate and one graduate student "who have made distinctive contributions in the area of gender-based violence research and prevention."

7

Times Higher Education ranks Faculty of Law among global Top 10 law schools in world university rankings

In its first world university rankings for subject areas such as law, the Times Higher Education released its report for 2018, and the University of Toronto Faculty of Law was the only Canadian law school in the Top 10. U of T divisions also faring very well in the global 100 list included education, business and economics, and social sciences, which were ranked in the Top 30.

8

Justice Sheilah L. Martin is the fourth U of T law alum nominated to the current Supreme Court of Canada

Alumna Justice Sheilah L. Martin, SJD 1991, an academic, practitioner, judge and equal rights advocate—she was one of the first women to be called to the Alberta bar in non-sexist language—has been nominated to be the newest justice on the Supreme Court of Canada. This brings the current number of U of T law alumni on the highest court to four, with Justices Rosalie Silberman Abella, LLB 1970, Russell Brown, LLM 2003, SJD 2006, and Michael Moldaver, LLB 1971, currently at the SCC.



Not binding, but it should be:

The United Nations Declaration on the Rights of Indigenous Peoples was the focus of alumnus John Borrows' keynote at the Asper Centre's Constitutional Law Symposium

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) isn't binding on governments, but governments should act as though it is: that was one of the main arguments made by alumnus Professor John Borrows, LLB/LLM 1991, the Canada Research Chair in Indigenous Law and the Nexen Chair in Indigenous Leadership at the University of Victoria, in his lecture "Section 35(1), UNDRIP, & Indigenous Legal Traditions."

The address was the closing keynote of the Constitutional Law Symposium for Canada's Sesquicentennial on October 20, 2017, part of the Asper Centre Constitutional Roundtable Series. To mark Canada150, the series focused on the development of Canada's constitutional and human rights from the British North America Act to the Canadian Charter of Rights and Freedoms, and provided an analysis of constitutional litigation throughout Canada's history.



The methodology of Indigenous law is to read the Earth

The Anishinaabe/Ojibway Borrows, a member of the Chippewa of Nawash First Nation in Ontario, told the audience why he wanted to see UNDRIP used as the standard for interpreting the rights and freedoms of Indigenous people: it offered a much better standard, he maintained, than the one Canada has been using for more than 20 years.

That standard, whose inadequacy was a repeated theme in Borrows' lecture, was set down by the Supreme Court of Canada in the 1996 case *R v Van der Peet*. Asked to interpret s. 35(1) of the *Constitution Act*, which recognizes "the existing aboriginal and treaty rights of the aboriginal peoples of Canada," the Court held that a practice or custom is not an Aboriginal right unless it existed before contact was made with European peoples. Borrows dismissed this formulation as "a fiction" that "prevents Aboriginal peoples from governing in a contemporary context" by excluding any customs that developed closer to the present day.

The way to fix this, Borrows argued, was "go beyond what the courts will do," and use UNDRIP as a guide for the interpretation of s. 35(1). UNDRIP says that rights are inherently "vested in peoples," and makes no apparent distinction between rights that developed before and after contact. Borrows wanted to see this framework, rather than the Supreme Court's narrower definition of rights, used for by the federal government in its actions and court submissions. Officials have given lip service to this idea without acting on it: last year, Canada's Minister of Indigenous and Northern Affairs announced there were plans to incorporate UNDRIP as part of a larger "box of rights." Not to follow through on this promise, Borrows argued, would violate the Crown's well-established duty to treat Indigenous peoples honourably.

But it wasn't just the Crown that needed to change its thinking. Borrows also wanted to see UNDRIP, which he called "broadly an Indigenous instrument," applied within First Nations communities themselves. As an example, he suggested that nations could implement s. 18 of UNDRIP, which holds that Indigenous peoples have the right to set up their own decision-making institutions and representatives to protect their rights; Borrows said that these principles "would positively and radically challenge the calibration

of Indigenous governments," by ensuring "that our own people are also empowered by and protected from our own governments."

Towards the end of his talk, Borrows did something unexpected but effective: he delivered a long anecdote that seemed, at first, unrelated to what had gone before. He recounted the story of a fisherman in his community who tried to rescue a bear that had fallen into the water after it got its head stuck in a plastic bucket. The point of telling the story was to encourage the audience to interpret it in terms of Borrows' talk, and to get a better sense of how things observed in the natural world can impact the interpretation of law: "The methodology of Indigenous law is to read the Earth," Borrows said. Others in the audience seemed to understand what he was getting at: during the question period, an audience member and Borrows discussed what the story had to say about the urgency of change in legal interpretation and the slow speed at which these changes take place. It was not surprising when after the talk, Cheryl Milne, the executive director of the David Asper Centre for Constitutional Rights, who had introduced Borrows, thanked him for the story and for providing "an eye-opening look at law."

Borrows' own personal interpretation of the bear story was that it was "the story of what we're involved in right now, in our struggle to live together better with one another Indigenous peoples and others in this place," as well as the struggle to create "a revitalization of both Indigenous law and Canadian law." Creating that combined revitalization was part of the purpose of advocating a new interpretation of s. 35(1): a more UNDRIP-influenced reading might create more real equality. "Colonialism is federal and provincial governments always getting the last word without the participation of Indigenous peoples," he said. "To the extent that s. 35(1) can go down the path of preventing unilateralism, I think there's a lot we can do there." ↩

WATCH: Video of the keynote speaker Prof. John Borrows is on our YouTube channel, <http://bit.ly/2rW6VSi>

Shortly after this symposium last fall, the federal government announced it will support the private member's bill demanding the full implementation of the UNDRIP.

“ Taking the facts seriously:

A Conversation
with Professor
Michael Trebilcock



Renowned law and economics scholar University Professor Michael Trebilcock presented a paper, “The Fracturing of the Post-War Free Trade Consensus: The Challenges of Constructing a New Consensus,” at the International Monetary Fund’s conference “Meeting Globalization’s Challenges,” October 11, 2017, in Washington, DC, where he was the only speaker from a Canadian postsecondary institution among a global list of panelists. Trebilcock is the author of *Dealing with Losers: The Political Economy of Policy Transitions*, which received the Donner Prize for best public policy book by a Canadian.

Alumnus Andrew Stobo Sniderman, JD 2014, spoke with Prof. Trebilcock before his talk, on the rise of “pulling up drawbridges”—and why he advocates Option “C”, plurilateralism, in international trade.

AS: We are seeing a rise in economic nationalism in developed countries like the United States, with more calls to restrict international trade to protect domestic jobs. You note the irony, because for decades after World War II, it was developing countries who were expressing more frustration with the unfairness of international trade promoted by developed countries. What has changed?

MT: I think the top of the list is the rise of China, the so-called “China shock” of the past decade or two. And that has had a significant impact on manufacturing sectors in the United States and other developed countries on a scale that had not been experienced before. Even then, one has to remember that in the 1980s many libraries of books were generated, worrying that Japan was going to take over the world. But of course that didn’t happen. There is a fad to these things, the rise and fall of concerns about emerging economic powerhouses elsewhere.

AS: How else do you explain the recent surge of economic nationalism in developed countries?

MT: Beyond the rise of China, it is true more generally that employment has become more unstable, with the so-called “gig economy”, with more people working part-time and more self-employed small-

scale entrepreneurs. The paradigmatic employer-employee relationship that prevailed for decades after the Second World War, of full time stable employment with generous benefits—that paradigm is clearly under stress, and not just because of trade.

If you look carefully at the evidence, much of this is attributable to technology. But for voters, distinguishing the impacts between trade and technology is not something that is top of mind, so blaming foreign trade and China is easy. Blaming technology is hard, because it is amorphous, less identifiable, and some politicians are inclined to exploit this kind of ambiguity. Far easier to find readily identifiable villains. It is hard to make a computer or information technology into a villain.

And I should add that those of us who have promoted an open, international trading system have not been quick enough or serious enough about addressing the losers from trade.

AS: You warn that it would be a mistake for countries to “pull up the drawbridges” to protect domestic jobs. Why?

MT: It’s really a form of economic autarchy, the idea that instead of importing, let’s make it at home. That view has been rejected by economists since the time

of Adam Smith. It makes no sense. Of course, the huge beneficiaries from open international trading system are consumers. They tend to be the silent majority in these kinds of debates, diffuse and unorganized. But benefits to consumers, including you and me, including access to goods and services around the world, are enormous. But you and I are not going to organize lobby groups to ensure access to foreign goods. But people displaced from steel mills in Ohio, where impacts are very localized, have strong incentives to organize.

The persistence of this autarchic streak, this focus on economic self-sufficiency rather than interdependence, remains something of a mystery. When all is said and done, even in the United States, we need to remember that the unemployment rate in the United States, at 4.3%, is at one of the lowest rates in the post-war period. That is pretty much full employment.

AS: You argue that we must take even more seriously the “losers from economic transitions” caused by liberalizing trade. What more needs to be done?

MT: We needn’t focus just on trade, because this is a general problem. As policy analysts, we can identify a variety of weaknesses in the status quo and can identify future superior policies, but the issue is how we get from here to there. No matter how beneficial the changes are on balance, every policy change is going to generate some losers. In the real world, situations where everyone wins and nobody loses hardly ever exist.

First, we should not dismiss the impacts and say that in the long run, it will all come out in the wash, because people will find alternative employment, or their children will. That is unconscionable and politically suicidal. So I put a lot of weight on active labour market policies to help people adjust. Whatever the reason, trade or technology, we should help these workers. The United States in particular is way behind the pack in this area. And it is possible to do a lot better and we should do a lot better.

There will be some cases where labour market policies alone will not be the appropriate response. In Canada, we have the case of dairy supply management that we have maintained with massive

tariffs and quotas. I think that the Trump administration will take a run at this, with some justification. But this is a political hot potato for governments in Canada. These dairy farmers, often third or fourth-generation farmers, have invested large amounts of money purchasing milk quotas, and to simply announce the termination of the scheme overnight, would in their view and in the view of others, be a form of expropriation. So here’s a case where a hard-line free trader will say, “Well this will all work in the long run.” But we will in fact have to contemplate some kind of buyout as well as reducing tariffs gradually over time, because this is a case where we absolutely have to take the losers seriously or this is the kind of issue a government can fall on. We would have dairy farmers surrounding Parliament and other legislatures for weeks on end. There would be chaos; I can confidently predict that.

That’s what I mean by taking losers seriously. But not moving at all on dairy is not really defensible either.

AS: You write that the World Trade Organization is paralyzed, and note increasing fragmentation in international trade rules. You argue that we need to move away from the one-size-fits all, take-it-or-leave-it regime of the WTO, where every rule applies to everyone. Why?

MT: Coming out of World War II, the architects of postwar international regime—including the International Monetary Fund, the World Bank, and what would become the WTO—their thinking was that economic nationalism and factionalism in the interwar years was a significant contributor to the outbreak of World War II. So the ideal in the postwar period was to establish a regime where every country, whatever their ideology, traded with every other country on a level playing field. It was a noble vision.

But that vision could not be maintained without qualification. Many developing countries that became independent from the 1950s onwards plausibly argued that they had inherited highly truncated economies, and to expect them to overnight to trade with longstanding developed countries was unfair and unrealistic. So various dispensations were made, and with some justification. Then the next breach was proliferation of preferential trade

agreements between smaller groups of countries.

There are two extremes, neither of which I find appealing. One is the one-size-fits-all, every country agrees to a common set of rules. There are now 164 member states in WTO, in all states of development. The idea that their distinctive needs can be addressed with one-size-fits-all approach is a delusion and clearly unsustainable. The other extreme is abandoning the multilateral system and going bilateral, and allowing the multilateral system to wither away and die. This will lead to extreme fragmentation of international trading system, with every relationship governed by their own rules that are discriminatory against others countries. And small countries are at huge bargaining disadvantage in bilateral negotiations, which is one reason why the Trump administration likes them.

AS: So what alternative do you suggest?

MT: The question is: is there some intermediate option between extreme multilateralism and extreme bilateralism? I argue that there is, and that is a multi-speed, multi-tiered World Trade Organization, which would be much more accommodating of plurilateral agreements. We should encourage and accommodate many more such agreements, all governed by the World Trade Organization dispute resolution system, and these agreements should be open to subsequent succession by other members.

The World Trade Organization is now largely paralyzed. The consensus principle is strongly entrenched, and there can be no new agreement without consensus. You have to ask yourself whether 164 countries reaching consensus on new agreements is plausible. There is no easy solution or alternative to the consensus principle, but what I like about plurilateralism is that it allows for a coalition of the willing, and for more countries to join later on if they choose to. This may be the best we can aspire to. ↩

Read the full Q & A online here:
<http://uoft.me/treimf>

By Amelia Fung, 2L
Photography Jorge Martinez

Straight from @UTLaw: 30 Years of Human Rights Impact

“Impact” was the theme of an evening last fall to celebrate 30 years of the International Human Rights Program at the Faculty of Law. More than 100 distinguished alumni, faculty, students, and sponsors gathered to commemorate the program’s achievements, and take in a photo exhibit depicting the IHRP’s work over the past three decades, including covers of reports on the program’s core research issues, such as refugee rights, the rights of women and girls, international criminal justice, counter-terrorism, freedom of expression, and corporate accountability for human rights.

Alumna Renu Mandhane, JD 2001, a former director of the IHRP and now chief commissioner of the Ontario Human Rights Commission, was the keynote speaker.

“You are a testament to the strength of the program and the quality of the students that it attracts,” said Dean Edward Iacobucci in his welcome address to guests, including the many IHRP alumni who continue to support the program. Iacobucci called the IHRP one of the hallmarks of the law school’s focus on international law and policy.

Prof. Rebecca Cook, who founded the IHRP in 1987, said its beginnings were modest, but it has grown tremendously to meet the many human rights challenges facing the world today. The clinic helps train the next generation of globally-focused lawyers to the highest standards of excellence in research, advocacy and professionalism.

Cook said the IHRP helped to build “communities where collaborative learning...and leadership skills...and relevant knowledge have been created” to address the persistence of human rights abuses.



Making history: (L) **Dean Edward Iacobucci** with former IHRP directors **Noah Novogrodsky** (University of Wyoming College of Law and director, Center for International Human Rights Law & Advocacy) and **Renu Mandhane** (Ontario Human Rights Commission chief commissioner), IHRP founder **Professor Rebecca Cook**, former IHRP director **Valerie Oosterveld** (associate dean of research and graduate studies, Western Faculty of Law) and current IHRP director **Samer Muscati**

“The IHRP has challenged human rights violations here and abroad by helping to reform laws, policies, and practice through research and advocacy,” said alumnus Samer Muscati, JD 2002, director of the IHRP. The clinic has brought an important international human rights law perspective to cases before the Supreme Court of Canada, assisted Canadians seeking remedies before the UN Human Rights Committee and authored ground-breaking reports that expose human rights abuses both within and outside Canada.

“What is wonderful about the IHRP is that there are no strict rules about how to do the work. It is a program that parleys passion, creativity, and strategic thinking into impact,” Renu Mandhane commented after her speech, and added she misses the IHRP students’ energy and creativity, which is unparalleled.

On behalf of the International Human Rights Program, Director Samer Muscati would like to thank event donors Prof. Rebecca Cook and Prof. Bernard Dickens, Fasken Martineau DuMoulin LLP, Goldblatt Partners LLP, Osler, Hoskin & Harcourt LLP and Stikeman Elliott LLP. ↙

Support the IHRP here:
<http://uoft.me/ihrp30> or contact Samer Muscati at S.Muscatti@utoronto.ca. To help the IHRP reach its impact goals, two other supporters have offered to match all donations to a maximum of \$30,000, thereby doubling the impact of your donation.

WATCH the video of keynote speaker Renu Mandhane and others on our YouTube channel: <http://bit.ly/2n5yzHi>



Looking forward, and giving back

**ALUMNUS HAL JACKMAN
SUPPORTS RESEARCH AND
FINANCIAL AID ONCE AGAIN**



PHOTO BY MARK BLINCH

Inaugural holder of the Kimber Chair, **Anita Anand**

In another show of his magnanimous spirit, distinguished alumnus, the Hon. Hal Jackman, Class of 1956, has generously donated \$2.5 million to the Faculty of Law to support important research and student financial aid.

Together with a previous gift, the funds will fully endow the J.R. Kimber Chair in Investor Protection and Corporate Governance. The chair is named after J.R. Kimber, author of the foundational **Report of the Attorney General's Committee on Securities Legislation in Ontario (March 1965)**, which laid the foundation for Canada's modern securities regulatory regime. A chair is an academic honour for the holder, and provides funding to support the position and research.

In addition, \$1.55 million from this most recent gift will create the endowed Hon. Henry N. R. Jackman Bursary, and \$150,000 will enhance the existing endowed Newton Rowell Bursary, bringing its fund total to \$450,000. The University will match payouts from these funds, creating the equivalent impact of a total endowment of \$4 million for student financial aid.

Professor Anita Anand is the inaugural holder of the Kimber Chair. She is also the academic director of the Centre for the Legal Profession, and of the Program in Ethics in Law and Business.

"The creation of the Kimber Chair has been instrumental in the development of my research and professional life, and I am sincerely grateful to Hal Jackman," says Anand. "My research generally speaks to the needs of investors or 'consumers.' I have come to

believe that collectively, Canadian consumers are in a precarious position. Regulators, whose legal mandate is to protect consumers, are present in every jurisdiction across the country. But there are numerous contentious issues which, depending on how they are resolved, could seriously compromise consumers' financial interests (for example, dual class share structures, embedded commissions, and fiduciary duties of investment advisers stand out as key issues)."

Adds Anand: "What's worse is that consumers themselves, at least on the retail side, do not typically possess the technical skills to monitor and understand all of the pressing issues that they face; they simply accept the status quo by default. What should be done about this state of affairs when over 50 per cent of adult Canadians are invested in the capital markets? My research explains the problems and proposes solutions to the current crisis facing Canadian consumers."

Anand is cross-appointed to the Rotman School of Management and the School of Public Policy, and was recently appointed to a three-year term on the Ontario Securities Commission's Securities Advisory Committee.

"Over the past two years, I have been able to reach diverse audiences via multiple types of media by using the Kimber Chair as a platform of sorts. I have also been able to pursue more traditional academic endeavours including writing papers, book chapters and manuscripts. To hear that the J. R. Kimber Chair is now endowed is wonderful news for our law school and speaks directly to the profound generosity of a personal mentor. Thank you, Hal!" 🖱️

Take a look at who our 1Ls are:

A survey of new students is busting some old myths about who goes to law school at the University of Toronto.

The ongoing survey of incoming classes, now in its third year, indicates 59 per cent of students in the 2017 class have parents who were born outside of Canada. As well, 23 per cent of the students were born outside Canada.

Also among the students in the 2017 class, 41 per cent speak one other language beside English, 33 per cent identify as a visible minority or person of colour, and 14 per cent are lesbian, gay, bisexual, transsexual, transgender, queer or two-spirited.

Overall, 84 per cent say they are the first in their family to attend law school. Another 33 per cent report that a parent/guardian did not have a university degree, and nine per cent are the first in their family to attend a post-secondary institution. These numbers are significant because educational attainment is widely recognized as a proxy for family income level.

The survey of the 208 students in this year's incoming law school class is particularly telling because it is based on a 100 per cent response rate to the questions.

U of T is one of the few common law schools in Canada to collect self-reported demographic data about its incoming classes, which is considered an important part of the larger discussion about encouraging more diversity in the legal profession.

The school also offers many programs and support initiatives aimed at increasing access to legal education. They include providing financial assistance to 50 per cent of its students, and offering outreach programs to help young people facing financial and other socio-economic barriers to apply to law school.

"While we are pleased to see some important shifts in the demographics of law school students, we are not crowing about how great we are, because we know there is a lot of work still to do to make law school accessible to all segments of society," says Alexis Archbold, assistant dean of the JD Program.

"We think gathering and publishing the data about our incoming class is an important step, and we would also like to see all Canadian law schools publish data about the demographics of students who apply, those who are accepted, and those who attend."

By Peter Boisseau



20-40 AGE RANGE OF STUDENTS
24 AVERAGE AGE OF STUDENTS

208 STUDENTS

53% WOMEN

3% MATURE STUDENTS

(FIVE OR MORE YEARS OF NON-ACADEMIC WORK EXPERIENCE)

33% STUDENTS OF COLOUR

14% LGBTQ STUDENTS

9% STUDENTS WITH DISABILITIES

84% FIRST IN FAMILY TO ATTEND LAW SCHOOL

9% FIRST IN FAMILY TO ATTEND UNIVERSITY OR COLLEGE

23% BORN OUTSIDE OF CANADA

59% PARENTS/GUARDIANS BORN OUTSIDE OF CANADA

12% GREW UP IN A RURAL AREA

52% DO NOT IDENTIFY WITH A RELIGION

38 UNDERGRADUATE INSTITUTIONS REPRESENTED

3.8 MEDIAN GPA OUT OF 4.0 ON THE BEST THREE FULL-TIME UNDERGRADUATE YEARS

166 MEDIAN LSAT SCORE, 93RD PERCENTILE

TOP 3 COMBINED PROGRAMS

1. GLOBAL AFFAIRS (MGA)
2. BUSINESS ADMINISTRATION (MBA)
3. SOCIAL WORK (MSW)

TOP 5 REASONS FOR CHOOSING UofT LAW

High academic quality

Calibre of students & faculty

Career opportunities

Variety of courses & clinics

Student support & financial aid

19% 

Students with graduate education

CANADIANS YOU'D MOST LIKE TO MEET

- 1 JUSTIN TRUDEAU
- 2 BEVERLY MCLACHLIN
- 3 DRAKE
- 4 MARGARET ATWOOD

MOST DESIRABLE CANADIAN REGION STILL TO VISIT

- 1 BRITISH COLUMBIA
- 2 YUKON
- 3 NEWFOUNDLAND & LABRADOR
- 4 PRINCE EDWARD ISLAND

FAVOURITE LITERARY GENRE



40%
FICTION

30%
NON-FICTION

9%
FANTASY

6%
SATIRE

PRIOR UNDERGRADUATE PROGRAMS

- 19% PSYCHOLOGY/CRIMINOLOGY/SOCIAL SCIENCES
- 18% BUSINESS/ECONOMICS
- 16% POLITICAL SCIENCE/INTERNATIONAL STUDIES
- 15% CLASSICS/HISTORY/PHILOSOPHY/RELIGION
- 13% ENGINEERING/MATH/SCIENCE
- 8% ENGLISH/LINGUISTICS/COMMUNICATIONS
- 7% INTERDISCIPLINARY/OTHER
- 4% VISUAL & PERFORMING ARTS

59% GRADUATED FROM ONTARIO UNIVERSITIES

41% GRADUATED FROM UNIVERSITIES IN THE REST OF CANADA AND INTERNATIONALLY



TOP 10 LEGAL AREAS OF INTEREST ON ENTRY

- ABORIGINAL LAW
- BUSINESS/COMMERCIAL LAW
- CONSTITUTIONAL LAW
- CRIMINAL LAW
- ENVIRONMENTAL LAW
- HEALTH LAW
- INTELLECTUAL PROPERTY & INNOVATION LAW
- INTERNATIONAL HUMAN RIGHTS LAW
- LITIGATION/DISPUTE SETTLEMENT LAW
- SOCIAL JUSTICE LAW

22%

ARE BILINGUAL IN ENGLISH AND FRENCH

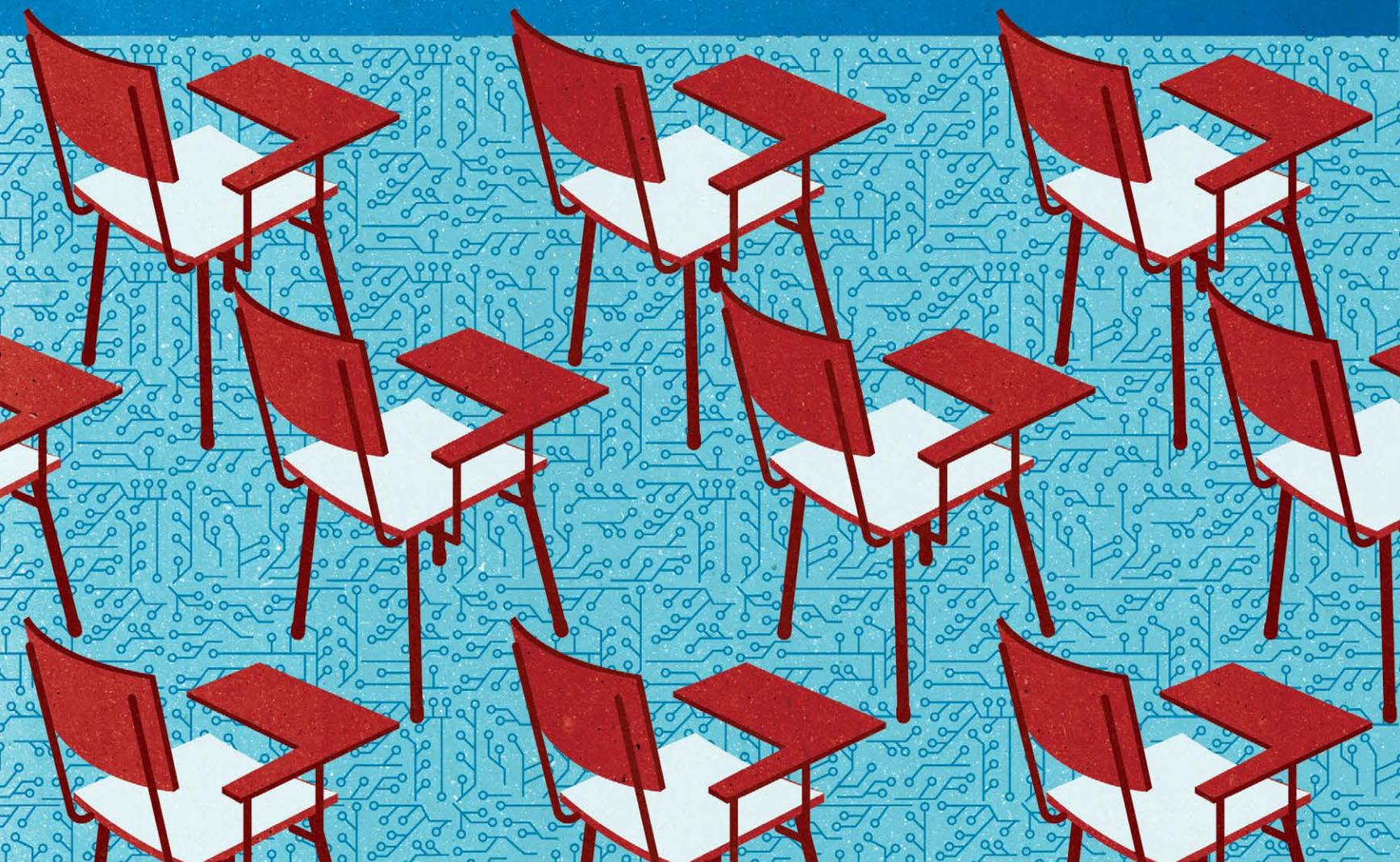
SAMPLE PRE-LAW SCHOOL EXPERIENCES

- CAR SALESMAN
- PHYSICIAN
- PROFESSIONAL SINGER
- JOURNALIST
- PHARMACEUTICAL CHEMIST
- FASHION MODEL
- BUSINESS DEVELOPMENT MANAGER
- MAGICIAN
- SYSTEMS ENGINEER
- ARTISTIC GYMNASTICS COACH



NOT YOUR OLD SCHOOL LAW SCHOOL

Experimenting with new ways of teaching is fueling innovative courses and creative delivery—beyond books and lectures. Here's what four professors are working on



By Karen Gross
Illustration by Kotryna Zukauskaite



When Joe McGrade, JD 2016, looks back on his years at law school, the class he remembers as one of his favourites was also one of the least traditional. Co-taught by Prof. Benjamin Alarie, JD 2002, and serial entrepreneur Daniel Debow, JD/MBA 2000, *Looking Ahead: The Blurred Lines of Technology, Body and Mind*, did exactly that. “It gave us a window into the world of technology that I haven’t had since or before, so it was very cool,” McGrade says. “And I got to write a paper on how you would regulate autonomous killer robots which was by far the coolest paper I wrote in law school. How often do you get to think about these issues?”

It may sound like the stuff of science fiction, but the technologies Debow and Alarie address—including gene editing, self-driving cars and, yes, warfare with autonomous weapons—are emerging at an exponential rate. “Our systems for creating law, policy, and regulation evolved over a period of time when technology did not change anywhere near as fast,” Debow says. Which means many lawyers and policymakers are scrambling to keep up with the onslaught of emerging technologies and to prepare for the inevitable consequences. “The class in many ways is like ‘ripped from the headlines,’” Debow says. “Since we started it three years ago, things we talked about as experiments are now rolling out.”

The class itself is something of an experiment, spun from a course Debow says changed his own life when he was an LLM student at Stanford in 2004. Not only is the teaching model unusual, pairing an academic with a practitioner who was never called to the bar, but so are the participants. Enrollment is open to graduate students in any field at the university, which brings a range of experience and perspective rarely seen in most other law courses. “The openness of our course is something that, if not unique, is extremely unusual,” Alarie says. “So it’s not just on the teaching side where we have experts. It’s also the people in the seats, who come from all across campus and a whole range of disciplines.” Add to that a roster of top tier academics, policy-makers and guest speakers from industries at the cutting edge, and the long wait list is hardly surprising. “For students it’s really quite memorable because it’s quite an engaging experience,” Alarie says. “We’ve had fantastically good course evaluations. Students feel really involved and invested.”

Looking Ahead is just one example of a widening range of innovations in teaching at the law school, often spearheaded by professors who want to engage students on a more interactive and imaginative level than the traditional lecture model tends to encourage. As manager of experiential education, lawyer Kim Snell occupies a newly created staff position at the Faculty of Law dedicated to supporting and facilitating those efforts. “One of the things I do is help professors innovate learning experiences in a particular course,” she says. “That might look like a field trip, or

it might look like a different experiential teaching technique they want to try in the classroom.”

Professor Anver Emon enlisted Snell’s expertise when he wanted to take his *Legal Ethics* class beyond the theoretical boundaries of campus thought, to the places where real issues are considered and practically addressed. “The idea was to use the city of Toronto as part of our classroom experience,” Emon says. Students rode the subway to the Law Society of Ontario, where they met with the people who actually regulate the legal profession to talk about what they do, what leadership means in law, and what motivates their decisions. “A lot of what happens in legal ethics is really around what lawyers are supposed to do as lawyers, what they are not supposed to do,” Emon says. “I thought we should first study why professions regulate themselves. And let’s go to the very heart and soul of the body to whom you’re going to owe a certain type of allegiance.” As part of the exercise, Emon assigned readings for all the participants and asked the regulators to do the same. Both groups commented on each other’s materials when they met. “The idea is no one gets to be the expert. We’re seeing ourselves through another person’s institutional eyes.”

They followed that with a trip to Old City Hall, where the class met with judges from three specialized courts—Mental Health, Drug Treatment and Gladue—and observed hearings in each. “The court visits forced us to think about ways in which the law can and cannot think systemically,” Emon says. “On the one hand, we got a sense of the varied nature of legal practise. But we also got a sense that ethics cannot simply be about client management, or lawyer-client relations, or about lawyer to lawyer engagement. It has to be about thinking more broadly about improvements in our society and challenging traditional responses to failures of the justice system.” Emon is using his extensive notes from the two trips as a kind of text for the rest of the year’s discussions. “As a trial run I want to see what’s possible,” he says. “The question will be how do we interpret the text, not just in the particular moment we’re there, but in every class we have after that.”

After teaching *Wrongful Convictions* for more than a decade, Professor Kent Roach, LLB 1987, was also considering ways to improve and update his course. A longtime advocate and expert in the rights of Indigenous people in the criminal justice system, Roach had published groundbreaking research exposing the effects of wrongful convictions on Indigenous people in Canada and Australia. He wanted to recalibrate. “I felt that looking at it with critical race theory in mind provided fresh insights to a field that’s been around for 15 years or so,” Roach says. “Also, having worked on the Truth and Reconciliation Commission, I thought it was important for us to look at some of these racial issues related to Indigenous overrepresentation in the criminal justice system.”

Roach invited his former student Amanda Carling, JD 2012, to teach with him. The two had kept in touch after she'd gone on to article at what is now Innocence Canada, and then continued working there leading outreach and education mainly with First Nations communities. Currently manager of the Indigenous Initiatives Office at the law school, Carling is also a descendant of the Red River Métis. "Whenever you have two teachers before a class, students can see there is a diversity of approaches and perspectives in a way that's really powerful," Roach says.

Roach and Carling set the tone by inviting Maria Shepherd and her son, Jordan, to speak at their first class. Maria Shepherd was one of several people who'd been wrongfully convicted on evidence presented by the disgraced pathologist Charles Smith. In 1992, she'd pleaded guilty to manslaughter in the death of her three-year-old daughter, Kasandra. Her conviction was overturned in 2016. "We started on a note of making sure that women and people of colour are heard in the class," Carling says. "Most wrongful conviction cases that we study in Canada are white men, and those are not the people who are most vulnerable. What made our class different was really focusing on the fact that white men are the tip of the iceberg. We started to dive under the ocean."

That fresh approach brought a new guest speaker to the third hour of almost every class, including a visit by former Supreme Court Justice Frank Iacobucci. Carling's input and impact drew raves from students like SuJung Lee, Class of 2019. "The class was amazing," she says.

"Kent Roach has so much under his belt and a lot to say on this topic. But Amanda, as an Indigenous woman who had also worked at Innocence Canada, brought a really different and very necessary perspective to the course."

Her relative youth and enthusiasm brought added value too, according to Lee. "Because she was relatively new to teaching and to the legal profession, I appreciated the time she took to explain everything. Sometimes if you're really immersed in a subject, you can lose sight of what people who are not as immersed don't know."

The semester ended with the class of 30 forming a sharing circle, a common ceremony in Indigenous communities, which was Carling's idea. Roach thought it was perfect. "I think at times



academics, including myself, can lose sight of the real people who are behind these cases. Amanda brought an appreciation of both the practical and human sides of the questions we were looking at."

Professor Lisa Austin is literally reaching across the world to bring a truly global perspective to her *Privacy Problems* class, which considers the fundamentals of data protection law. After teaching last summer at the University of Tel Aviv's Buchmann Faculty of Law, Austin invited her host and colleague there, Professor Michael Birnhack, to partner with her in an exciting experiment. Together, the two devised a curriculum spanning two countries, two time zones, two school schedules, and a variety of cultures and languages. "We wanted to have a conversation looking at how data protection works in these two different jurisdictions around shared problems," Austin says. "Because our terms are different and our times are different, we have a shared set of materials that we're teaching our home group independently."

But the home groups come together through five team projects, each matching students from Toronto with students from Tel Aviv. All will be focused around problems involving the "smart city" theme and the teams will have to figure out how they want to collaborate. Two weeks are set aside for shared classrooms, connected via video conference and featuring teaching and presentations by the students. Projects are due at the end of the term. "It's a lot of new stuff," Austin says, referring not just to the class, but to the subject matter as well. "Particularly in privacy law there are a lot of emerging issues and the smart city context would be one of them. It's not as if there's this body of case law to apply."

While adding the international component could complicate things logistically, Austin is banking on a windfall in terms of educational benefits. "Privacy and especially data protection law is increasingly a global conversation," she says. "We have regimes that operate in very different legal jurisdictions and there are cultural differences too. But there are also very strong similarities and to really explore the extent of both as well as emerging global norms, is an interesting conversation."

Back at her office in the Jackman Law Building, Kim Snell contrasts the law school's traditional teaching method with the creative future she imagines. "It would probably surprise our alumni, the types of innovations that we have going on in the classroom," she says. "I think of it very broadly as looking for ways to bring in different lenses, expose our students to different experiences, different approaches, different disciplines. I really applaud the professors who are innovating. It can be risky. But I think these are risks worth taking." ↙

What do you think? Share your thoughts with us on this topic: nexus.magazine@utoronto.ca or @UTLaw

A MILLION THANK YOUS

Here's why these alumni believe in Dean Edward Iacobucci's key priorities: the importance of the law student experience—and a vigorous financial aid program

\$1M TO SUPPORT BURSARIES FOR INDIGENOUS LAW STUDENTS // NORMAN AND GAY LOVELAND

BY LUCIANNA CICCOCOPPO
PHOTOGRAPHY BY NICK WONG

Norman Loveland's U of T pride has extended well past his Class of 1972 days at the Faculty of Law. The now-retired tax lawyer and former partner at Osler, Hoskin & Harcourt LLP has fond memories of his *alma mater* – and wants to help other students to experience the same. He and his spouse Gay, a former teacher and U of T alumna, are big supporters of promoting post-secondary education, particularly for Indigenous youth. "U of T Law was a great calling card," says Norman, one he now wishes to help extend to Indigenous youth.

"I think it's very important that we support Indigenous people in pursuing fields such as education, engineering, and law, so that they will be at the forefront of tackling issues and working with their leaders in their communities," adds Gay. "I think this is a very important part of the reconciliation process."

That's why the Oakville couple donated \$1 million towards the Faculty of Law's student financial aid fund, specifically to benefit Indigenous youth. It's their contribution, says Gay, to help right the wrongs in Canada's history with its Indigenous Peoples.

"We are deeply grateful for Norman and Gay Loveland's most generous gift to support our Indigenous law students," says Dean Edward Iacobucci. "Building up our needs-based financial program is the key funding priority for this chapter at the law school, and I am excited at the prospect of supporting Indigenous students attending the Faculty of Law with the help of their gift."

Amanda Carling, a Métis, Faculty of Law alumna, and manager of Indigenous initiatives at the Faculty of Law, says there is a misconception in Canada that all First Nation, Métis and Inuit students get a 'free ride.'

"That could not be further from the truth. Indigenous students work hard and take on significant debt in order to earn post-secondary degrees," says Carling. "Gay and Norman's gift will help alleviate some of that financial burden and, for some students, will help make attending U of T Law a reality. We are grateful to the Lovelands for not only their generous financial contribution but also for their genuine interest in, and dedication to, moving this country forward on the path to reconciliation. They are real allies and this law school is a better place because of them."

The Lovelands' generosity of spirit and time extends well beyond U of T: he in the business world, and she in children's charities and in supporting victims of violence. Their career successes have allowed them to pursue their passions.

"I always felt proud of U of T—the university, the law school, the institution, the faculty, the student body. It just seemed to me it was a very worthwhile thing to do, and a very good place to do it. I'm very high on U of T," he says with a chuckle.

"I always had it in the back of my mind I wanted to do something meaningful at U of T. And the Faculty of Law is making every effort to ensure that anybody who has the capacity and the interest and drive to go to law school will not be precluded for lack of money. I very much wanted to support this effort," says Norman.

AMANDA CARLING, LEFT, WITH GAY AND NORMAN LOVELAND



YOUSUF AFTAB, JD 2006

BY PETER BOISSEAU
PHOTOGRAPHY BY MICHELLE YEE

When Yousuf Aftab graduated from U of T Law in 2006, he knew one day he wanted to help other students join the ranks of the legal profession.

"U of T Law was phenomenal to me and it opened so many doors," says Aftab, a human rights consultant in New York City who recently made a \$25,000 student financial aid donation, along with his wife Marjolaine Côté, who works in international development at the UN.

"I always knew that to the extent I could, I wanted to contribute to student aid so others could enjoy the same opportunities."

Aftab and Côté believe diversity in the legal profession is crucial to ensuring protection for society's most vulnerable members.

The best way to encourage that diversity is to make law school accessible to people from all walks of life, says Aftab, the 40-year-old founder of Enodo Rights, a consulting firm that advises multinational corporations on human rights issues.

He recalls that rising tuition and its impact on access to the legal profession was at the forefront of debate when he was at U of T.

The school provides financial assistance to about 50 per cent of its students and Aftab says the ongoing campaign to raise funds is essential to ensuring growing access to people with a diversity of perspectives and backgrounds.

"It should never just be a matter of who is in your family tree or privilege or connections."



While he would welcome others to follow in his footsteps and work in the area of international human rights, he says the most important thing is focusing on creating greater diversity in every field of the legal profession.

"No matter what challenges they face and the path graduates follow, the legal system has to have diversity to act as a bulwark against injustice."

JONATHAN ANSHELL, JD 1992

BY KAREN GROSS
PHOTOGRAPHY BY ADAM PULICICCHIO

Jonathan Anshell wasn't looking for fame when he graduated law school in 1992 and headed out to Los Angeles where a job offer was waiting.

"I really just wanted to explore possibilities," he says. "To see what else was out there outside of Toronto." It turns out that for Anshell—a mild-mannered, understated Calgarian—the possibilities blossomed beyond anything he could have imagined. As a litigator at two high profile L.A. law firms, he carved out a niche as an expert in entertainment and media-related issues. In 2004, when CBS was looking for a new general counsel for its television network, the company took many industry insiders by surprise when it hired Anshell, who was only 36 at the time and had no transactional experience negotiating television deals.

You won't hear this from him, but today, Anshell is one of Hollywood's major power players, holding senior executive positions at both the parent corporation and at CBS Broadcasting, where as executive vice president and general counsel he oversees a department of about 100 lawyers and support staff. His continuing ties to U of T and the law school speak volumes about Anshell's enduring sense of commitment and gratitude. "I never felt the least bit disadvantaged having gone to U of T, as opposed to one of the top U.S. law schools," he says. "For a lot of us, U of T law was a fantastic launch pad into a variety of different careers."

As the lead on the Class of 1992 endowment for financial aid, Anshell was determined to establish a lasting legacy. "The law school is in a competitive marketplace for talent. Maintaining the quality of education and the world class reputation comes at an economic cost," he says. "It's very important for me and a number of my classmates that the law school remain accessible to all students, even if tuition goes up. That can't happen without strong alumni giving."

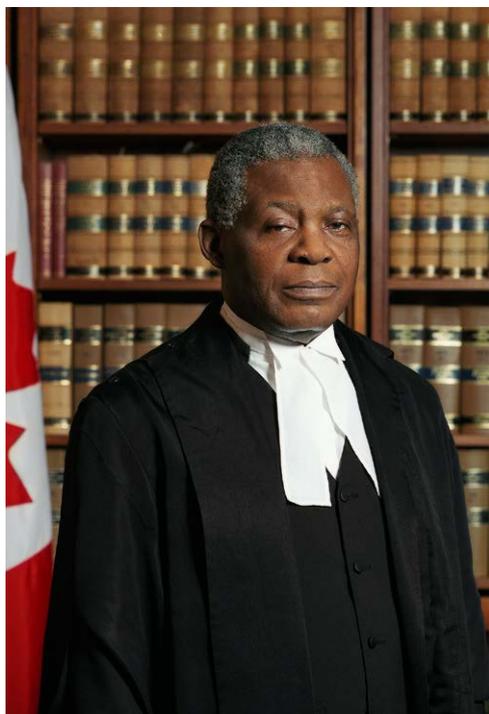


VIRGINIA DAVIES, LLB 1979, LLM 2003, SJD 2006, HONOURS THE LATE JUSTICE JULIUS ISAAC

BY KAREN GROSS
PHOTOGRAPHY BY PAUL COUVRETTE

In the decades since Virginia Davies graduated with an LLB from U of T, she completed the Advanced Management Program at Harvard's business school, two more graduate degrees from U of T's law school, held high-powered positions at Goldman Sachs and BMO, and, along with her lawyer husband, established a life in New York City as a prolific fundraiser, political activist and philanthropist. But the working relationships and friendships she formed in Toronto remain central to her life. And one in particular—the late Justice Julius Isaac, LLB 1958—guides Davies to this day. “I articulated with him at the federal justice department after I graduated law school. I worked for him for about seven years, as his junior on many cases,” she says.

Among those cases, the landmark *Regina v Big M Drug Mart*, which struck down the Lord's Day Act and interpreted section 2 of the *Charter* for the first time. Barely five years out of law school and with a newborn



THE LATE HON. JUSTICE JULIUS ISAAC

baby in tow, Davies accompanied Isaac to Ottawa, where she appeared alongside him before the Supreme Court of Canada. “Think about that, what that says about the man,” she says. “This was the 1980s. I was a woman. I'd just had a baby. And he didn't pull the case from me.”

Isaac, born in Grenada, went on to become the first black Chief Justice of the Federal Court of Canada in 1991. But Davies prefers to remember him in less splashy ways: as a meticulous mentor and an excellent barrister, who dedicated his

life to public service. Living in the United States in these fraught times, Davies says honouring Isaac and his life feels even more urgent.

“As I watch what's happening in America, I want other Canadians to understand we have a different value system. We have a country that values the public good. Let's protect it. Let's champion a man who came from a modest background and went on to become chief justice. This was an immigrant.” ↩

Write to Nexus

Want to write a Letter to the Editor? Have some feedback or a story idea for us? We're always interested in what our alumni have to say. Compliments or constructive comments, stay in touch please, and here's an easy way to do it. Use our online form here: <http://uoft.me/contactnexus>

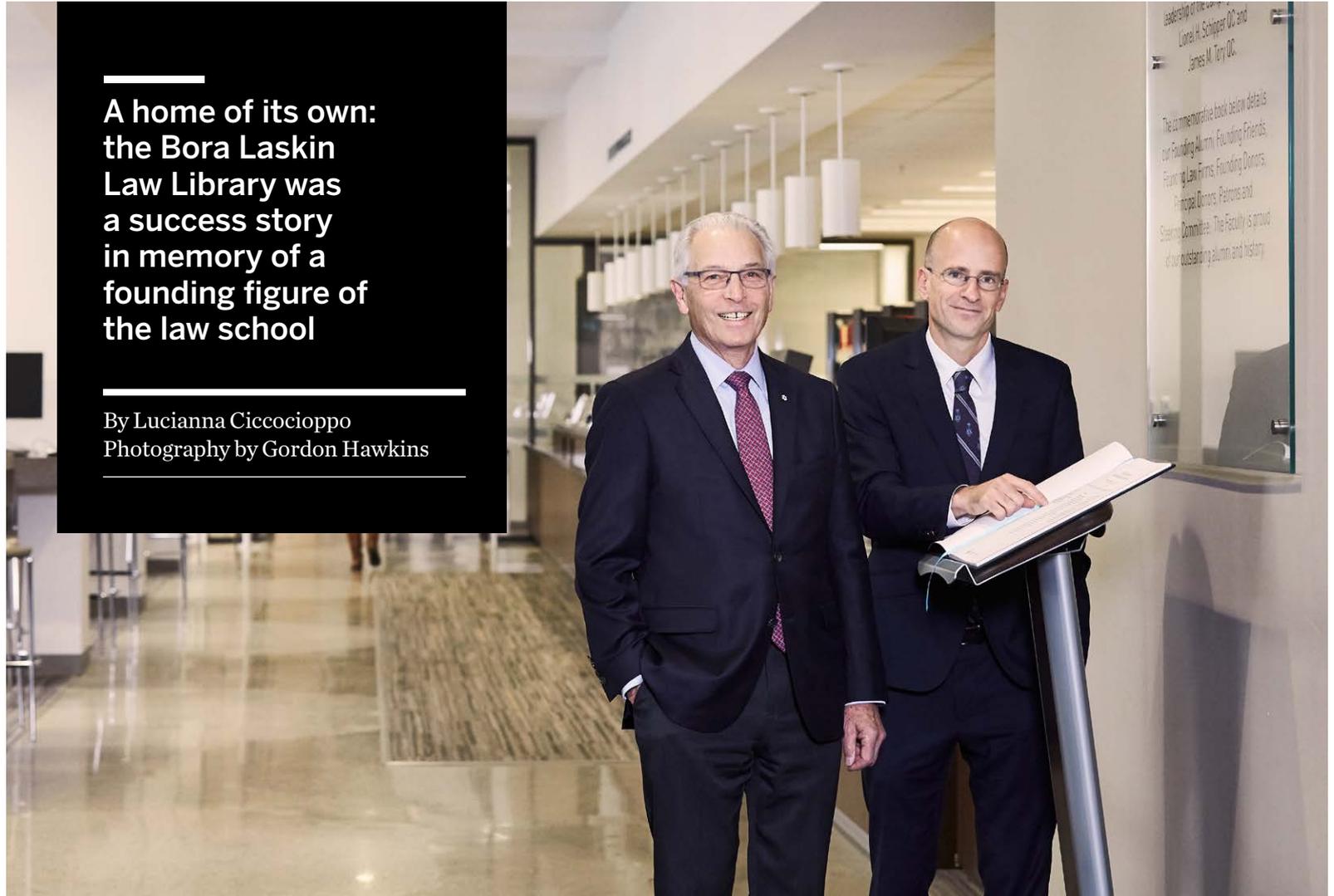
We won!

Nexus landed a Bronze for “Publications Design: Multi Page” and Honorable Mention for “Magazines” in the 2018 Council for Advancement and Support of Education (CASE) District II Accolades awards.

<http://bit.ly/2iNbxEM>

A home of its own:
the Bora Laskin
Law Library was
a success story
in memory of a
founding figure of
the law school

By Lucianna Ciccocioppo
Photography by Gordon Hawkins



LIONEL SCHIPPER WITH DEAN EDWARD IACOBUCCI

Lionel Schipper, Class of 1956, calls his three years of law school in a two-storey house on Baldwin Street “transformational.”

“The first-year class was the biggest class, and we were taught in the old living room.” The library was in the dining room, he explained, and the den housed the stacks. “It was a tiny law school, about 85 students, where everyone knew everyone. It was quite an amazing place: the spirit, the dedication, the relationships.”

Schipper returned for a visit recently to chat with Dean Edward Iacobucci and to remember the classmates and other alumni who made the Bora Laskin Law Library a reality in 1991.

He was a co-chair of the law school’s first-ever campaign, together with James Tory, co-founder of Torys LLP, at the request of then-Dean Frank Iacobucci.

After Frank Iacobucci became U of T’s vice-president and provost, they worked with Dean Robert S. Prichard to bring the project to fruition. A volunteer committee was formed with alumni from all eras and the dean, and one staff person Billie Bridgman was hired.

“The law school’s advancement department consisted of Dean Pritchard; he was all we needed,” said Schipper. “The strategy was pretty simple. We all believed we had the best law school in Canada—one of the best law schools in North America—and by every test, we had the worst library of any law school. So, that was an easy sell. Getting the dollars was harder, in the sense we were starting something brand new—at ground zero.”

But galvanizing alumni proved easier than expected.

“Every graduate, I think even until this day, but certainly in the ‘50s, ‘60s, ‘70s, had this special connection with and affection for the law school that I had, and the folks in my class had. So, it was really easy to recruit volunteers.” Then came the ‘asks.’

“I remember calling my pal and former Goodmans partner, Herb Solway, and telling him the amount I hoped from Goodman, and I think his response was ‘Are you crazy?!’ Not a surprising response since the amounts that we were asking for were unheard of, at the time. I mean, in the hundreds of thousands of dollars. But they agreed to do it.

“It was a success, and of course, we were doing it for Bora Laskin, who was a much beloved professor and friend and great jurist, so the connection to Bora just made it that much easier to sell people on the concept of giving.”

He was nothing if not determined: “Somewhere along the line maybe the cost went up a bit or else we were not getting quite the response we were hoping for in some places. And I remember I went back to Goodman & Goodman and said: ‘You remember I asked you for X? Well, how about 2X or some other number?’ We had an interesting discussion over that,” he explained with a chuckle.

Today, the names of those who envisioned the Bora Laskin Law Library are remembered in an elegant commemorative book and with a plaque, in a prominent place at the law library for everyone to see, enjoy—and appreciate the vision.

“Bora and Cesar Wright, the founding dean, were our heroes. Bora, of course, went on to become Chief Justice of the Supreme Court of Canada. He was someone we knew and called our friend. It was very exciting to do something for the law school, and honour his memory.”

Added Schipper: “For me, the new Bora Laskin Law Library, in the new Jackman Building—in the context of Baldwin House—is breathtaking; it’s fantastic what’s happened.” ↩

What is Law and Finance?

By Adriana Z. Robertson, Assistant Professor, Faculty of Law
Illustration by Daria Kirpach

Over dinner at the Canadian Economics Association meeting last June, one of the other economists at the conference asked me what I study. When I answered “law and finance,” he looked at me quizzically, and asked “is there much to study there?”





While law and economics is, at this point, decidedly mainstream, law and finance remains more of a niche. As my interlocutor and I continued to speak, I realized that what had become second nature to me was perhaps not as obvious to the wider world. While the fields of law and finance are clearly distinct, they are also deeply intertwined. I have come to believe that in many instances, to study one without the other is to miss half the story.

One way to think about law and finance is to imagine a river. We have some general principles that help us predict how the water will flow. For example, all rivers flow downhill, and generally end up, sooner or later, in one of the world's five oceans. At the same time, a whole host of other factors – soil density, rock formations, even vegetation – will have a substantial impact on the river's trajectory. That river is finance.

Now imagine that you would like to control the flow of the river. Perhaps you would like to reduce the risk of flooding in adjacent areas, or to divert some of the water to an artificial canal. At the extreme, you may be trying to reverse the flow of the river entirely. To do so, you construct enormous amounts of infrastructure – canals, levees, dams, etc. That infrastructure is law.

Suppose – rather naïvely – that you simply block off part of the river (say with a dam). The river isn't just going to stop flowing. Instead, it will find somewhere else to go, and that new route might be even worse than the old one. While you may have succeeded in damming the river, you may also find that you have flooded a town 20 kilometers away.

In the end, law and finance is, to me, about thinking through the relationship between the river and the infrastructure that surrounds it. One set of questions concerns the implications of the *current* infrastructure on the river's flow. For example, in a recent project, I studied the details of how credit card securitization programs were structured to discover how the programs' sponsors were able to, very quietly, bail out their programs during the 2008 financial crisis. It turns out that the infrastructure—the legal entities and governing documents associated with these programs—were far more flexible than had been previously thought by experts

in this area. As a result of this flexibility, the programs were able to weather the crisis in a way that benefited all parties. In this case, not only was the relevant infrastructure erected by private parties rather than by governmental entities, it was used in ways that had not been previously contemplated.

Another set of questions concerns how *changes* in the infrastructure affect the flow of the river. For example, in another project, I investigated the effect of a rule change by the United States Securities and Exchange Commission. This rule change was based on prevailing theories of “efficient capital markets,” and was intended to make it easier for large companies to raise money while at the same time maintaining protections for investors. In studying this rule change, I found evidence that companies were able to take advantage of the rule change in unexpected ways.

A third set of questions concerns what *additional* infrastructure might be useful in improving the river. This third set of questions is both the hardest to answer, and is the most important. For example, in a new project, my colleague Professor Anita Anand and I are investigating the role of securities indices in modern financial markets. While these indices play an incredibly important role in shaping investing decisions, they have been almost entirely overlooked by the law. As a part of our research, we hope to develop suggestions for how these critically important pieces of financial infrastructure can be improved.

I don't know whether or not I succeeded in persuading my interlocutor that law and finance is more than an obscure subfield. But I do know that in reflecting on our conversation, I have come to a richer understanding of my own scholarly field. And that is far more important to me than convincing a single skeptic. ↩

Professor Robertson holds a BA from the University of Toronto, Trinity College, where she was awarded the Lorne T. Morgan Gold Medal in Economics. A graduate of Yale Law School, she was on the board of the *Yale Journal on Regulation* and the *Yale Journal of Law and Feminism*. She received her PhD in Finance from the Yale School of Management in December 2017.

**Q & A with
Anne Ristic,
LLB 1986**

*Co-Managing Partner of
Stikeman's Toronto office,
corporate lawyer, law
firm talent management
pioneer—and lily pad
enthusiast*



LUCIANNA CICCOCIOPPO: What do you love about your job?

ANNE RISTIC: I love the variety of it. It's not a siloed role. I spend a lot of time on the people side but also linking talent to our financial success, strategizing about how to deal with client demand, changes, or risk management issues. Technology obviously is an increasing focus for us. Not just how we do our work now, but new ways of doing our work. So I do love that, because it's new and you're always learning. Here I am, 33 years after graduating from law school, and I feel like I'm still learning just as much every year, as I did when I first started out.

LC: Did you foresee that you would be landing in this type of role?

AR: No. It didn't exist when I graduated. I tell our students that there are really two different career strategies you can take when you come out of law school. One I'll call the homing pigeon approach, which works when you know your destination. One of my colleagues wanted to become a leading litigator in Canada after she graduated. And she is now that. That was her goal from day one, and she did all the things that got her there.

I did not know what my ultimate goal was. Like everyone I wanted to do interesting, rewarding work, but in my case I wasn't sure what that would be. I call my path the lily pad approach, where I go from one to another, looking around to see where the next lily pad with interesting opportunities might lead me. I've been at Stikeman Elliott my whole career since graduating from UofT but I have done a lot of different things on my various lily pads here. And I'm hugely grateful to the firm for those less traditional opportunities that I've been able to have.

LC: You're considered a pioneer in what has become the law firm talent management industry in Toronto, and in Canada. What are the greatest value adds of these roles in your view, and how has this accountability increased over time?

AR: All law firms, not just Stikeman Elliott, have had a growing recognition of the importance of professional management. And by that I mean, needing the same level of excellence in the business management roles as you expect in your legal client services roles. For your business to be successful, you have to marry up legal work and financial success, so early law firm professional management roles were focused on finance. And that's obviously an important piece. But a second piece would be the connection between legal and financial success, and talent management and talent development. Our product is our people and our intellectual capital. And most of our intellectual capital is wrapped up in our people.

So talent development is really product development for us. And then the third piece is connecting the legal, technical, intellectual capital to clients and clients' demands. Each of those areas has a lot of complexity, and can become siloed. I think what professional management roles have brought is that big-picture, integrated thinking about law, connecting the people side, the financial side, the client side and all the other elements that come into it.

LC: Many firms like Stikeman's talk a lot about diversity and inclusion. Yet the ranks at the top usually are not so diverse. How do you reconcile this?

AR: Our strategy is to deconstruct the pipeline to leadership and to try to pinpoint where interventions are needed. At each point along that pipeline, you need to analyze what is happening at your firm, and whether there are barriers. Hadiya Roderique's article in the *Globe & Mail* held up a clear mirror for us all on where there are barriers. And if there are barriers, what are the interventions available to break down these barriers?

At Stikemans, the entry level recruitment is actually quite even in terms of gender diversity. There are places along the pipeline where we've really had to dig deep to diagnose what was happening and why. So for us right now we do a lot of training and awareness-building around unconscious bias. Because that affects how people make decisions all along the leadership pipeline. And I would say in particular, we are focused on how people get work assignments and "stretch" assignments. There are a bunch of micro-decisions that lawyers make everyday about who to staff on a particular file, who to offer a particular opportunity. People might not spend as much time on their micro-decisions as they do on larger ones. But these decisions have a huge effect on career development.

LC: What has been your most proud career achievement to date?

AR: When I started out at Stikeman Elliott, there were only 45 lawyers in Toronto, and now we're around 200. And when I started in the '80s, Stikeman Elliott was a relatively new law firm in the Toronto market, an up-and-coming firm. Thirty years later, we're a leading Seven Sisters law firm in Toronto. That comes from the people we have recruited and developed over the years. And I feel like I had a part in a huge team effort in building the law firm from a promising early beginner, to a real powerhouse of fantastic lawyers. ↩

Read the full Q & A online here:
<http://uoft.me/anneristic>

REUNION



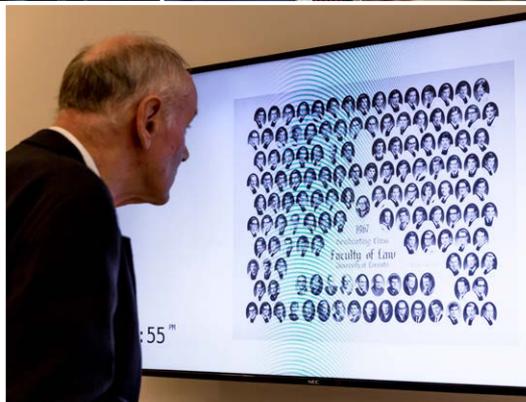
@UTLaw:

Lots of reminiscing and hugging tonight UTLaw #UTLawReunion



@UTLaw:

We love instant photos #UTLawReunion



REUNION 2017

In a Jackman Law Building first, more than 500 alumni—a remarkable number—celebrated milestone graduation anniversaries for Reunion 2017, held October 27th, as the Faculty of Law buzzed with energy and excitement from classes ending in 2 and 7. The Class of 1957 enjoyed their reunion lunch earlier in the Betty Ho Classroom, formerly the Flavelle Dining room, and the Class of 1972 celebrated their reunion event earlier in the year, in June, in keeping with their tradition. We'll be working on Reunion 2018 soon, for classes ending in 3 and 8. Contact Alumni Affairs Coordinator Mel Fradley-Pereira, at 416-946-0988, if you wish to volunteer as a class representative.

More photos here: <http://uoft.me/re17>



@TimMurray
Ten years. And I still remember how it felt to carry the heavy books home on day 1. And how excited I was for day 2. Catch you in 5 years. 



1967

JIM DUBE, LLB: Since becoming a partner emeritus at Blakes, following retirement in January 2009, I have continued to do volunteer work with the Ministry of Justice of the Republic of Liberia, with both the minister and the solicitor general. I have made 14 trips to Monrovia since 2007 (interrupted during 2014 due to the Ebola epidemic) and have found working in a post-conflict society to be a rewarding experience. Other travel has been a means to keep me curious about the world, including a recent trip to Qatar, Oman and Abu Dhabi which prevented me from attending the 50th class Reunion.

BARRY MACDOUGALL, LLB: Finishing 22 years as a Superior Court Judge. The last 2 years I have been one of five Superior Court Judges in Canada on the Specific Claims Tribunal presiding over Indigenous specific claims against the Crown. November 30th will be my final day on the Tribunal (mandatory age retirement date). I hope to continue to do private mediation work in this field.

WARREN MUELLER, LLB: I retired from civil litigation practice as counsel with Ricketts Harris in Toronto in 2010. I then wrote but did not publish widely a memoir of "My 40 years in Court." My subsequent pursuits have included auditing various U of T and divinity college courses of interest and membership in the investment and current affairs groups of the Probus men's retirement club. My hobbies and interests are principally gardening, participation in activities of my Baptist church, travelling widely and studying history. My wife Sharon and I married 26 years ago. I have three wonderful and accomplished children now in their forties, and six grandchildren.

IAN WADDELL, LLB: After graduation and a master's degree at the London School of Economics, I went to BC to become a crown counsel, criminal defence lawyer, head of storefront lawyers, counsel to Judge Tom Berger on the Mackenzie Valley Pipeline Inquiry, then MP, and later BC MLA and cabinet minister. I'm now a movie producer.

1974

JOHN GREGORY, LLB: At the end of 2016, I retired from my policy position at the Ministry of the Attorney General. After taking a gap year to travel and otherwise consider my options, I am finding law-related things to do. I am on the Advisory Council to the Law Commission of Ontario's project on defamation and the Internet. In the fall of 2017, I made some presentations at Arbitration Week in Hong Kong and chaired a panel on fake news in Ottawa. I have some writing to do for the United Nations Commission on International Trade Law. I was made a Fellow of the American College of Commercial and Finance Lawyers and am still active in the Cyberspace Committee of the American Bar Association. I am also living in a high-rise apartment for the first time in my life. So far, I am enjoying the view—literally and figuratively.



1978

MICHAEL JOHNSON, LLB: See "Final Submissions" p. 39

1981

DAVID SHERMAN, LLB: I'm continuing to publish tax law reference publications, including the recent 53rd edition of *The Practitioner's Income Tax Act* and many others. My wife Simone and I (who classmates may remember from law

school, as we were already married then) now have eight grandchildren, and we spend a lot of time visiting them in New Jersey and Boston, as well as going on cruises.



1982

AUGUSTUS (GUS) RICHARDSON, LLB: In Halifax since 1990. For the past 11 years, I've been on my own as a full-time arbitrator/mediator, and part-time member (vice-chair) of the Nova Scotia Labour Board.

1986

DOUGLAS HANCOCK, JD: I was appointed chairman of the Canadian National Sportsmen's Shows in October 2017. I succeeded Walter Oster, the chairman since 1991. The Toronto Sportsmen's Show, part of the Canadian National Sportsmen's Shows (CNSS), first took place in Toronto in 1948 under the leadership of world-famous outdoorsman, author and dedicated conservationist, Frank Kortright (a past chairman), who devoted his life to protecting Canada's wilderness.

1987

NOLA CREWE, LLB: Currently the ICU Chaplain at Mount Sinai; the rector of St Monica's Anglican Church; and grand prior of Canada for the *Ordo Supremus Militaris Templi Hierosolymitani* (OSMTH).



Send your Class Notes to:
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or submit online here:
<http://uoft.me/lawclassnotes>

1988

BORIS ULEHLA, LLB: I am still with the Department of Justice in Ottawa (going on 17 years!). The update is that my department has moved me recently. I am currently in our department's legal services unit at Natural Resources Canada in the position of general counsel and executive director.

1992

JANE KIDNER, JD: After 17 terrific years at the U of T law school heading up advancement, external relations and executive education portfolios, I moved to Ryerson's Ted Rogers School of Management as the executive director, external relations. I am loving the new role and the energy of a very dynamic, innovative and entrepreneurial organization. On the family front, I was lucky to have a gorgeous baby boy (Sean O'Meara) in January 2012. He is now five, and a force to be reckoned with. Not sure where he got his stubborn, defiant streak? Must be his Irish dad. Very happy to have such a wonderful group of classmates who still find the time to get together.



1995

TAWIA ANSAH, LLB: After graduating from U of T in 1995, I worked for the United Nations, the Council of Europe, and the Organization for Security and Cooperation in Europe, then returned to New York to complete my PhD in English literature at Columbia University in 2001. I also worked as a law clerk with Cravath, Swaine & Moore in New York. I've worked as a law professor at New England Law School, Syracuse University College

of Law, Case Western Reserve University School of Law, and Florida International University College of Law. I currently serve as Acting Dean at FIU Law. Major achievement? My beautiful son Mark, who is 6 and a half.

NEIL GUTHRIE, LLB: I have published my second book, *Guthrie's Guide to Better Legal Writing* (Irwin Law, 2017).

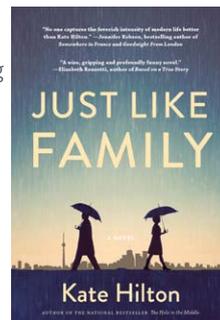


1997

DAVID CRERAR, LLB: I have just published the self-explanatory *Mareva and Anton Piller Preservation Orders in Canada: A Practical Guide*, with the wonderful editors at Irwin Law.

1999

KATE HILTON, JD: This has been a busy year following the release of my second novel, *Just Like Family*. After a long tour, I'm back at my desk working hard on my next book. Thanks to all the U of T Law alumni who continue to support me in my writing career!



2001

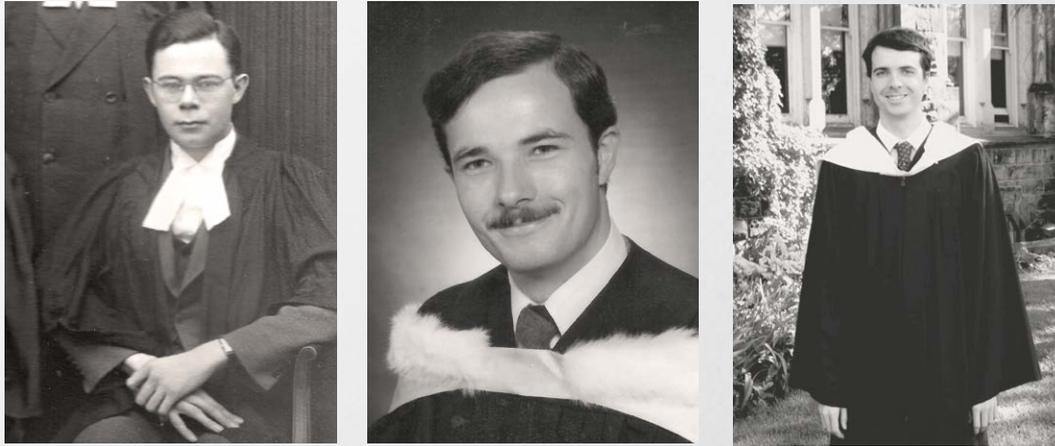
DINA GRASER, LLB: I left private practice in 2010 and, after a stint at Metrolinx, have been working as a consultant in the areas of strategy, public policy and engagement. Over the last two years, I served as the project director for the National Housing Collaborative, a group of housing stakeholders and foundations from across the country who provided significant

input into the National Housing Strategy. Currently, I'm focusing on the emerging field of community benefits, working with governments, foundations and private contractors to leverage dollars spent on infrastructure and development projects to create greater social and economic value. And, I had the pleasure of returning to U of T last semester to teach a course on community benefits and infrastructure at Innis College, in the Urban Studies program.

2002

JULIE LAYNE, JD: After several years practicing in commercial litigation, I made the switch to family law. I have been practicing exclusively in family law since 2006. In 2013 I opened Layne Family Law PC in Markham, Ontario, and now employ two law clerks and one associate. Our practice is approximately 50% litigation and 50% ADR, including negotiation, mediation and collaborative family law. I am married and have two children, Jonah (8) and Audrey (5).

ANDRES PELENUR, JD: I'm a founding partner of Borders Law Firm, and certified by the Law Society of Ontario as a specialist in citizenship and immigration law. In addition, I am an attorney-at-law in the Commonwealth of Massachusetts. My practice is centered on all aspects of Canadian immigration law, with extensive experience representing large multi-nationals with relocation and cross-border issues. I advise clients on intra-company transfers, NAFTA-based permits, and Labour Market Impact Assessment applications, among others. I also advocate on behalf of clients before the Immigration Appeal Division of the Immigration and Refugee Board and the Federal Court of Canada. Fluent in Spanish and Portuguese, I have published articles on immigration in various media. From 2004 to 2015, I served as the managing partner of Borders Law Firm.



ALL IN THE FAMILY: THE JOHNSON GRADUATES ARE JOHN, 1935, MICHAEL, 1978, AND SEAN, 2017.

Three generations of law at U of T

Thirty-nine years after I graduated from the Faculty of Law, my wife and I attended our elder son Sean's graduation, Class of 2017. It's the family law school—my father, John T. Johnson Q.C., graduated from U of T's undergraduate law class in 1935. (My mother, Marion Darte, graduated from St. Michael's University at U of T, did her law degree at Osgoode Hall and articulated at McCarthy and McCarthy—one of the few firms who hired women in those days—but that's another story.)

Father attended Victoria College, and graduated with his BA in law, as in those days there was no separate law school. The Law Society of Upper Canada did not recognize a law BA as being any different from any other degree, and applicants still had to do their three years of classes at Osgoode Hall on Queen Street, while articling with a firm. He graduated in 1938 with one of two bronze medals awarded,

surpassed only by Goldwyn Arthur Martin, who took the gold. Despite his academic success, there were no jobs in Toronto, so he went to Oshawa to practice. It was Art Martin who recommended him to the firm of Borden, Elliot, where father was to spend the rest of his life.

My father was proud to be an alumnus of University of Toronto Faculty of Law. Since the Law Society had given its name to York University's law school, it naturally sought to claim the lawyers called under the old system as their alumni. My father was infuriated by this, and the appeals for donations were speedily consigned to the garbage.

Sean is now articling with Stephen Durbin and Associates in Burlington. The photograph of the Moot Court Justices from 1934-1935, including my father and Justices Howland, Martin, Okell and Plant, is at the law school. It was on the fiat of then Chief Justice Howland that I was called to the Bar. sumgate338266@gmail.com

YOUR BEQUEST IS THE PROMISE OF POSSIBILITIES.

Rob Centa's studies at the Faculty of Law helped broaden his horizons. He credits outstanding professors with introducing him to many new and fascinating areas of law and he wants future students to experience the same opportunity for personal and professional growth. That's why he has included the law school in his will. By planning your bequest now, you will ensure that the Faculty continues to inspire, enlighten and empower—for generations to come.

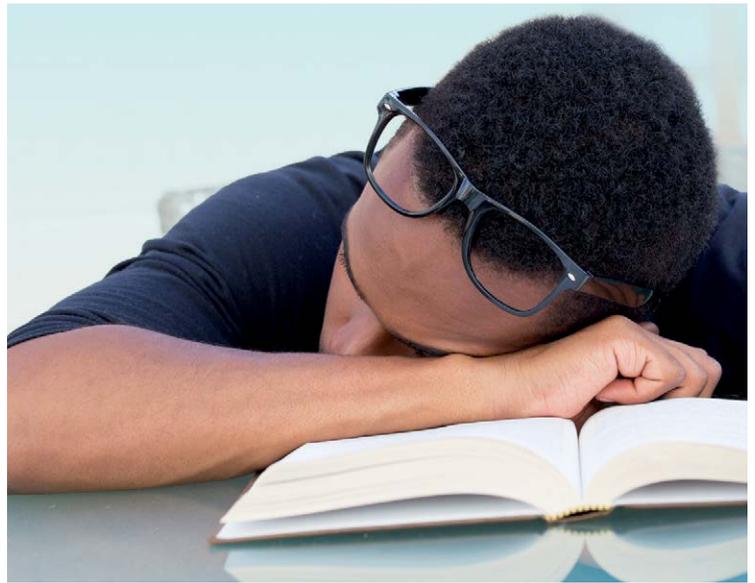
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wasila.baset@utoronto.ca or 416-946-8227
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Join us to relive your student days (and nights), reconnect with friends and enjoy the stunning new expansion of your historic law school.

If you are interested in volunteering on your class committee, please contact Mel Fradley-Pereira, Alumni Affairs Coordinator, at 416-946-0888 or m.fradley.pereira@utoronto.ca.

Register and find out more at uoft.me/law-reunion