

OFNOTE COLLEGE OF LAW MAGAZINE

Published by the College of Law at the University of Saskatchewan, of NOTE contains news and updates from the college as well as information relevant to our alumni and all of our college community.

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table of contents

2 Dean's Message

College News

- 3 Around the college
- 4 Remembering Doug Schmeiser
- 4 Nunavut Law Program students develop new logo
- 5 Native Law Centre renames flagship program
- 5 New course is setting things right
- 6 Rural access to civil, family legal services, focus of sixth Dean's Forum on Access to Justice and Dispute Resolution
- 7 McKercher LLP Lecture Series: Fall 2017 highlights

Faculty News

- 8 Over-sentencing of Indigenous people: Resolution is underway
- 8 College welcomes visiting professor
- 9 Lavallee to join faculty
- 9 News-in-brief

Alumni News

- 10 Feature: His Honour to serve
- 12 Catching up
- 13 Alumni notes
- 13 In Memoriam
- 13 Survey thank you
- 14 Legacy of love

Student News

- 16 Student recognized with U of S Indigenous Student Achievement Award
- 16 LLM news
- 17 Supporting students to
- 18 Student philanthropy in a class of its own
- 19 College hosts national negotiation competition
- 20 Diary of a moot competition



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His Honour to serve

Tom Molloy (LLB '64) is installed as the 22nd lieutenant governor of Saskatchewan.

Legacy of love

A scholarship in memory of Kirby Burningham (LLB '86) will support law graduates articling in rural Saskatchewan.

Student philanthropy in a class of its own

College of Law students are giving back to each other and their community.



Dean's Message:



As I come towards the end of my second year as dean of the College of Law, I've been reflecting on the privilege of being the leader of this great college, and what a fantastic community we have here. It's been a busy, and at times challenging, academic year—but

it really lifts the spirits to see progress on our goals, students' success stories, and the engagement of our alumni. I particularly want to thank all the alumni who joined me in Yellowknife, Whitehorse, Calgary and Toronto. Our alumni are spread across the country and it is a privilege to visit with so many of you on my travels.

I'm pleased to report that we are moving forward with our commitment to Indigenizing at the college, and exploring ways that we can answer the Truth and Reconciliation Commission (TRC) Calls to Action. One important step we've taken is developing a mandatory first-year course in Indigenous law that directly responds to TRC Call to Action 28, which calls on law schools to have their students take a course in Indigenous people and the law. Our course is called Kwayeskastasowin, which means "setting things right" in Cree—you can read more about it on page 5.

We are delighted to feature His Honour the Lieutenant Governor of Saskatchewan Tom Molloy (BA'64, LLB'64, LLD'09) as our cover story for this edition. Mr. Molloy has long been an ardent supporter of the University of Saskatchewan and the College of Law, so we were excited to hear about his prestigious new position. As you'll see from our "Around the College" page, I wasn't the only College of Law dean who turned up at his installation in Regina to congratulate him. Mr. Molloy has had an exceptional career as a treaty negotiator, and now joins fellow College of Law alumni such as John G. Diefenbaker

(LLB'19) and Ray Hnatyshyn (LLB'56) serving at Canada's highest ranks. We wish him all the best for his tenure as Saskatchewan's 22nd lieutenant governor.

We recently held our annual moot reception at the college, which highlights the significant achievements of our various moot teams. The college was represented at 11 different moot competitions this season, including three competitions for the first time: the American Bar Association Representation in Mediation, the Canadian Client Consultation Moot, and the Walsh Family Law Moot. As usual, the students and their coaches did a fantastic job of representing the college against tough competition. They do the U of S and Saskatchewan proud by standing toe-totoe with much larger law schools at these competitions, attesting to the quality of the legal education they're receiving here. We also had the honour of hosting the second **Canadian National Negotiation Competition** at the college on March 2 and 3, welcoming teams from nine different Canadian law schools (you can read more about the competition on page 19). It was a fantastic opportunity for law students from across the country to come together and learn from each other.

I hope you enjoy reading our latest news, and perhaps taking time to think back to when you were a student here. As alumni, you are connected to the college for life, and an incredibly important part of what we do here. However you choose to engage with us—we are very grateful for your continued support and interest in the college.

Stay in touch...

Sincerely,

Martin PhillipsonDean, College of Law



Around the Colle



Nunavut Law Program students (L-R) Pascal MacLellan, Samantha Barnes and Jessica Shabtai work on term papers in Iqaluit.



As part of the college's 2018 Dispute Resolution Week, students take part in a simulated sentencing circle with Sanjeev Anand, judge and former dean of the College of Law, at the Saskatchewan Provincial Court in downtown Saskatoon.





L-R: Megan Cantwell, Dean Martin Phillipson, Grit McCreath and Kathryn Warden attend the "Cirque de CLASSIC" fundraiser in Saskatoon. Photo by Peter Kapela.

Student Kaitlin Ward brings remarks on behalf of her mooting teammates at the 2018 moot reception on March 27, 2018.

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Silas E. Halyk, QC, and the Honourable Judge Gerald Morin at the Halyk lecture, delivered by Morin on Jan. 22, 2018.



Current dean Martin Phillipson (left) with former deans (L-R) Brent Cotter, Otto Lang, Doug Schmeiser and Sanjeev Anand at the installation of the 22nd lieutenant governor of Saskatchewan.



Attendees enjoy a pizza luncheon at the second annual International Humanitarian Law Conference on Oct. 27, 2017.





REMEMBERING Doug Schmeiser (BA'54, LLB'56)

It is with sadness that the college shares the passing of Professor and Dean Emeritus Douglas A. (Doug) Schmeiser, SOM, QC.

Schmeiser was a student of the University of Saskatchewan (U of S), receiving his Bachelor of Arts from St Thomas More College in 1954 and his Bachelor of Laws from the College of Law in 1956. He also received both a Master of Laws and a Doctor of Juridical Science from Michigan State University, in 1958 and 1963 respectively.

In 1956, Schmeiser was hired as a special lecturer by the U of S and secured a full-time teaching position at the College of Law in 1961, which led to a full professorship in 1968. He served the college as director of graduate legal studies from 1964 to 1974 and as dean from 1974 to 1977.

A generous supporter of both the College of Law and St Thomas More College, Schmeiser's philanthropy reflected his belief in giving students a solid educational foundation and his gratitude for his own memorable experience at the U of S. He endowed two scholarships to the College of Law: the Douglas A. Schmeiser Prize in Criminal Procedure, and the Douglas A. Schmeiser Prize in Constitutional Law.

He was author of numerous books and served his community in leadership positions on many boards and councils. In 2010, Schmeiser was given the Saskatchewan Order of Merit, the highest honour the province bestows.

The news of Schmeiser's passing came as of NOTE went to press, and the college will do a full tribute in the next edition.

Nunavut Law Program students develop new logo

Students in the Nunavut Law Program have developed their own logo to identify their participation in the program in the local community, the territory and beyond.

The students, who are studying the four-year degree in Iqaluit, created the logo to highlight the uniqueness of the program and reflect the Inuit culture inherent to its teachings. It will be used to represent the student body and the Nunavut Law Students Society, which was formed in October 2017.

"It was important to the students to create their own visual identity which symbolizes Nunavut, and the individuality of the program, that will identify them in their community," said Nunavut Law Program Director Stephen Mansell. "They worked together to decide what they would like on the logo, and they also consulted with an Inuit Elder to discuss traditional Inuit symbols that they might include."

Students submitted their own artwork for the logo, and as a group chose a preferred design and colour scheme.

The finalized logo features a falcon, which represents Inuit justice and

knowledge; a drum, often found at the heart of community gatherings; and a kakivak, a traditional fishing spear. It also includes both English and Inuktitut language, and the colours are inspired by the Nunavut territorial flag.



The new logo features traditional Inuit symbols.

Launched in September 2017, the Nunavut Law Program is a unique partnership between the College of Law, Nunavut Arctic College and the Government of Nunavut. It brings a legal degree to the territory for the first time in over a decade, and has been specially designed to meet the needs of Nunavut students.



Native Law Centre renames flagship program

The Native Law Centre (NLC) has renamed its flagship program, the Program of Legal Studies for Native People, to the Native Law Centre Summer Program.

"The NLC staff agreed that it was time to change the program's title," said Kathleen Makela, the centre's co-ordinator for programs and community outreach. "We felt that the former name was too cumbersome, and that the Native Law Centre Summer Program fit better with the NLC's overall identity."

In addition, the eight-week program will now start in the second week of May, and wrap up by the end of June. These earlier dates will allow law schools to receive students' results sooner, and leave two months in summer for students to work before embarking on their legal studies in the fall.

The changes are part of an ongoing revisioning and restructuring process at the NLC.

The NLC Summer Program gives Indigenous students from across Canada the opportunity to study first-year property law before beginning law school. It helps prepare them to succeed in their legal education, integrates Indigenous issues into their studies and facilitates a smooth transition to the law school environment. Many students take the program as a condition of their acceptance to law school.

Setting things right

A new Indigenous law course at the College of Law will respond directly to Truth and Reconciliation Commission (TRC) Call to Action 28.

Called Kwayeskastasowin, meaning "setting things right" in Cree, the mandatory first-year course will debut in September 2018, and will educate students in Indigenous history, laws and reconciliation.

The course has been developed in response to a TRC Call to Action which calls on law schools in Canada to educate their students in Indigenous people and the law, addressing areas such as inter-cultural competency, human rights and anti-racism.

Kwayeskastasowin will also cover substantive topics such as Indigenous legal traditions, colonization and the impact of the residential school movement, international rights pertaining to Indigenous peoples, and Indigenous and Treaty rights law. The course is a necessary step forward in preparing law students to serve as knowledgeable and resourceful lawyers for Indigenous clients.

"The movement towards reconciliation in Canada has resulted in a growing recognition of Indigenous peoples' own governance, authorities and legal systems," said Larry Chartrand, academic director of the Native Law Centre, and member of the course committee. "Law schools have an obligation to respond to the legal education needs of future lawyers in Indigenous law, and this course is one of the College of Law's solutions to meeting this need."

Crucial to developing the course was consultation with members of Indigenous communities, to implement change that is significant to them. The course committee engaged a number of community representatives from Indigenous organizations, including the Saskatoon Tribal Council and the Métis Nation of Saskatchewan, for input. They were generally very supportive of the course, but cautioned that it should be one part of a larger initiative to Indigenize the college curriculum.

Consultation with these groups will continue as the course content evolves.

"Indigenous legal issues are foundational to our legal education, and should be treated as such," said Chartrand.

It is hoped Kwayeskastasowin will provide students with the same foundational programming as other core areas of the law studied in first year, allowing them to build on their knowledge in their upper years. For the College of Law, it's an important opportunity to lead in this area and reaffirm the University of Saskatchewan's commitment to reconciliation.



Rural access to civil, family legal services, focus of sixth Dean's Forum on Access to Justice and Dispute Resolution

The Dean's Forum on Access to Justice and Dispute Resolution (the Dean's Forum) gathered Saskatchewan's justice community stakeholders at the College of Law to discuss topics of access to justice and the future of the justice system.

At their sixth annual one-day meeting, held on March 6, 2018, the group covered two main topics: improving access to civil and family legal services in rural Saskatchewan, and moving towards a civil and family justice metrics framework for the province.

In their morning session, the group considered how a legal service delivery model could be designed to meet the civil and family legal services needs of Saskatchewan's remote and rural populations. Major access to justice barriers in these communities include dispersed populations, limited legal services and a high proportion of lawyers reaching retirement age. The Legal Incubator Model, which focuses on mentorship and experiential learning for new law practitioners, emerged as a viable option. A sub-committee of Dean's Forum stakeholders will work together to explore the concept further.

During their lunch break, Dean's Forum members were invited to take in the second annual poster competition, presented by the College of Law and CREATE Justice. The competition was an opportunity for the college's students to showcase research undertaken in a class, for a project or a paper, and to answer any questions about their work.

The posters on display covered a range of topics including Gladue...Not a Get Out of Jail Free Card, and The Jean Chrétien Pledge to Africa: Canada's Role in Access to Affordable Medicines.

The competition concluded with an announcement by CREATE Justice Director Brea Lowenberger (BA'09, JD'15) of five new projects. The projects will see the research centre working alongside stakeholders in diverse organizations and disciplines, both provincially and nationally. Further details can be found at law.usask.ca/createjustice.

The afternoon got underway with a discussion on what a justice metrics framework could look like in Saskatchewan.



Members of the Dean's Forum on Access to Justice and Dispute Resolution with Dean Martin Phillipson.

Drawing on work by other jurisdictions and considering unique local needs, the Dean's Forum explored which metrics should be tracked to evaluate progress, and the impact of interventions intended to improve the justice system. Two new initiatives, partnered by CREATE Justice, will continue to study justice metrics: The Justice Sector Data Inventory, Evaluation, and Toolkit at the provincial level, and the Action Committee Metrics Working Group nationally.

The groundwork for the discussion and analysis of next steps for both topics was, for the fifth year, supported by a law student group policy discussion paper and presentation. The associated Dean's Forum course, unique to the College of Law, offers law students a valuable experiential learning opportunity to contribute to justice policy, alongside leading justice stakeholders.

More information on the Dean's Forum can be found at law. usask.ca/deansforum.





McKercher LLP Lecture Series: Fall 2017 highlights

Former Canadian Prime Minister Paul Martin and booker prize-winning author Yann Martel were among the guest speakers enlightening audiences in Saskatoon and Regina for the first 2017-18 McKercher lectures.

The series welcomed a total of eight guest speakers over six events throughout the fall term, kicking off on Sept. 25, 2017, with Toronto-based entertainment lawyer Susan Abramovitch.

The Saskatchewan Law Review Lecture on Oct. 3 welcomed Senator Raynell Andreychuk (BA'66, LLB'67), and BC Supreme Court Justice Palbinder Kaur Shergill (LLB'90) to speak on inclusion and diversity in Canada.

A full house greeted the Right Honourable Paul Martin to the College of Law on Nov. 9, for a question and answer session moderated by U of S Chancellor Roy Romanow (BA'60, LLB'64, LLD'07). The discussion focused on Indigenous issues in Canada, and the former prime minister took questions from the audience on a range of topics relating to Indigenization. The event was very well-attended, and was live-streamed to several classrooms in the college to accommodate the large audiences.

In Regina, author of booker prizewinning novel *Life of Pi* Yann Martel delivered the Morris Shumiatcher Lecture in Law and Literature, the first of two lectures on how stories can shape people's identities.

Free and open to the public, the McKercher lectures engage a wide range of audiences from both legal and non-legal backgrounds on a multitude of topics.

MY KERCHER Lecture Series
The College of Land

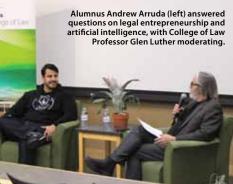
The Honourable Raynell Andreychuk (left) and the Honourable Madan Justice Palbinder Kaur Shergill visited the college to deliver the Saskatchewan Law Review Lecture.



Entertainment lawyer Susan Abramovitch (right) in conversation with moderator Jamesy Patrick.











Over-sentencing of Indigenous people: Resolution is underway

Story and photo by Zahra Ghoreishi

New Zealand, another commonwealth country, provides an alternative to the incarceration of Indigenous people.

Incarceration of Indigenous people has been addressed in R v Gladue by the Supreme Court of Canada. Gladue legally requires judges to consider the unique circumstances affecting Indigenous people in an express attempt to address the overincarceration problem. But, evidence shows that Canadian judges resist applying R v Gladue principles.

"Fifteen per cent of the total population of Saskatchewan is Indigenous, and Indigenous people comprise 80% of the prisoners in the province," says Glen Luther, College of Law professor. "The 2012 court review statistics show that the situation is getting worse."

New Zealand's Indigenous population of Maori people are similarly over-represented in the courts, which like Canada, has resulted in a disproportionate number of offenders being kept behind bars. Luther and Master of Law student, Hillary Peterson, are conducting a comparative study between Canadian law and New

Zealand law to identify the parallels and divergences.

"New Zealand is a world leader in restorative justice initiatives," Peterson says, "and I believe that our research would be much helped by seeing and learning about initiatives they have taken in their criminal justice system.

"Professor Luther and I have been in contact with academics from Auckland University of Technology," Peterson reports. "I am planning a trip to New Zealand and I am going to look at their research and gather their insights about the treatment of Indigenous populations in the criminal court system. These interactions are powerful and allow for a deeper understanding of why Indigenous people are so frequently brought before the courts."

Canadian law requiring judges to consider R v Gladue principles in sentencing has not rectified the disproportionate number of Indigenous offenders being incarcerated. The alternative and innovative path forged by New Zealand's legal system may provide the solution. Luther states, "We are looking for alternatives to prison, and I believe New Zealand has a lot to offer."





Lavallee to join faculty

Jaime Lavallee will join the College of Law as assistant professor on July 1, 2018. Lavallee is a citizen of the Muskeg Lake Cree Nation in Saskatchewan who has worked with Indigenous



populations in Canada and abroad. She is a graduate of the Native Law Centre's Program of **Legal Studies** for Native People (now called the summer program) and received her JD from the University of

Toronto Faculty of Law. She also holds an LLM and an SJD in Indigenous Peoples Law and Policy from the University of Arizona James E. Rogers College of Law.

Lavallee began her career with the First Nations Development Institute's (FNDI) international section, First Peoples Worldwide. She worked with the San People of Namibia to provide basic legal education training, and with the legal community of southern Africa on issues affecting Aboriginal title. She later moved into Indigenous cultural rights, joining the US National Park Service's National Native American Graves Protection and Repatriation Act (NAGPRA) program.

During her doctoral studies, Lavallee used her knowledge of international Indigenous rights, specifically cultural rights, and studied Native nation-building at the University of Arizona and the Native Nations Institute. She is the former director of Indigenous Governance, Law and Policy at File Hills Qu'Appelle Tribal Council, where she focused on strengthening First Nations through governance and law development using the principles of nation-building, which she continues to use in her work.

News-in-brief



Jason MacLean has been awarded the Law Foundation of Saskatchewan Faculty Fellowship for his project *The Intersection of Indigenous and Canadian Natural Resources Laws: Conflict and Comity on Common Ground.* The fellowship starts on July 1, 2018.

Patricia Farnese is part of a research team that has been awarded a Social Science and Humanities Research Council of Canada connection grant for a project titled *Indigenous Food in the City: Knowledge Dissemination and Exchange.*

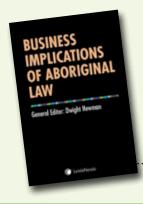




Felix Hoehn's article *Local Governments and* the Crown's Duty to Consult, co-authored by Michael Stevens, will be published in volume 55, issue 4 of the Alberta Law Review this summer.

Dean Emeritus **Peter MacKinnon's** new book, *University Commons Divided: Exploring Debate and Dissent on Campus* (University of Toronto Press, 2018) was launched at a special event at the U of S on Feb. 13, 2018. The book can be purchased on amazon.ca.





Dwight Newman has released two new books, *Business Implications of Aboriginal Law* (LexisNexis Canada, 2018) which is available to order now, and *Mining Law of Canada* (LexisNexis Canada, 2018), available for preorder. Visit the LexisNexis online store for details.



A pioneer in treaty negotiation, Molloy was responsible for settling some of the largest and most influential Indigenous land agreements in Canada's history. His life's work has been instrumental in building relationships and bridging gaps between Indigenous and non-Indigenous negotiating parties.

"My work was reconciliation," Molloy said. "Understanding was a critical part of that. It is important to understand and appreciate

GE OF LAW Molloy with his class graduation photo at the College of Law

the culture and history of the various Indigenous groups, and how and why they work."

Molloy has humbly and consistently served his community, his province and his country since graduating from the College of Law in 1964. His yeoman's work has been recognized time and again: he was appointed an Officer of the Order of Canada in 1996, received the Saskatchewan Order of Merit in 2012, and gained an honourary

> Doctor of Laws from the U of S in 2009. He also served his alma mater as chancellor from 2001 to 2007.

> Hardly surprising then, that when the time came to choose Saskatchewan's next lieutenant governor, Molloy was approached. And on a Friday evening in January 2018, shortly before his appointment

was announced, he received a phone call from Canada's Prime Minister Justin Trudeau confirming the news.

In his new role, Molloy joins a distinguished group of the college's alumni who have risen to Canada's highest ranks, including a prime minister (John Diefenbaker, LLB'19) and a governor general (Ray Hnatyshyn, LLB'56).

Born and raised in Saskatoon, Molloy attended the U of S in the early 1960s, receiving both his Bachelor of Arts and Bachelor of Laws degrees in 1964. He remembers being close with his classmates, and sharing the small space in the Murray Memorial Library which served as the College of Law before the Law Building opened in 1967.

"We were a very small college, less than 100 students," he said. "We got to know each other very well from classes, being in the library, and doing sports."

But it was his professors who Molloy remembers with particular admiration.



"The calibre of the faculty was outstanding—although I don't think we appreciated it at the time," he said.

His professors included Doug Schmeiser (BA'54, LLB'56), who went on to become dean of the College of Law, Walter Tarnopolsky (BA'52, LLB'57), who was appointed a justice of the Ontario Court of Appeal, and Barry Strayer (BA'53, LLB'55), a deputy judge of the Federal Court and one of the instrumental drafters of the Canadian Charter of Rights and Freedoms. The dean of the college at the time was Otto Lang (BA'51, LLB'53, LLD'13) who, among other accomplishments, was appointed Minister of Justice and Attorney General of Canada.

In testament to the quality of their legal education, the class of 1964 produced its fair share of high-fliers as well.

Among Molloy's classmates were a future provincial premier (current U of S chancellor Roy Romanow), a chief justice of Saskatchewan (John Klebuc), a Canadian ambassador (Michael Phillips) and two Court of Queen's Bench judges (Ernie Marshall and Elizabeth McFadyen). McFadyen was the only female student in the class—she went on to become the first female judge appointed in Alberta, and at age 35, the youngest appointee in Canada.

"Otto Lang was the justice minister who appointed her," said Molloy. "She was top of the class."

Molloy was also active in student government during his time at the U of S, serving as co-chairman of the National Federation of Canadian University Students, and on the Students' Representative Council (now known as the USSU).

"It helped train me and give me confidence in working with people, and heading up organizations," he said.

It is experience he has put to good use in his career as a treaty negotiator—an area of practice he came to by chance in the early 1980s.

"I had done a lot of work in the field of labour negotiations, and I think it was this experience that allowed me to get into negotiating with the federal government," he said. At the time, treaty negotiations were not happening in Canada, and the courts were just starting to recognize Indigenous rights. Molloy and his team were breaking new ground.

"It was the beginning of treaty negotiations—everybody was learning," he said. "There just wasn't a field of lawyers specializing in Indigenous negotiations."

Molloy's first treaty negotiation was a historic one that would change the face of Canada. As chief negotiator for the federal government, he played a leading role in settling the largest Indigenous land claim in North America, a significant part

of which was the creation of the northern territory of Nunavut.

For Molloy, negotiations between the federal government and the Inuit began in 1982, and concluded more than a decade later with the signing of the Nunavut Land Claim Agreement in May 1993.

The Nunavut agreement gave the Inuit of the central and eastern Northwest Territories their own territory, the name of which appropriately means "our land" in the Inuktitut language.

At the time, Molloy had no idea how far that first job would take him.

"When I first agreed to do the work, I was told that it was going to be approximately eight months," he said. "It took 10 years, and it turned out to be my career. From there I travelled all over Canada negotiating for the federal government."

From coast to coast to coast, Molloy has settled more than 15 major agreements with Indigenous peoples in Canada, including the Nisga'a Final Agreement, the first modern-day treaty in the history of British Columbia.

In September 2017, Molloy returned to Nunavut to participate in the welcoming ceremony of the Nunavut Law Program. The program is delivering the College of Law's Juris Doctor degree to 25 Nunavut residents, 19 of whom are Inuit, in the territorial capital of Igaluit. It's an initiative Molloy supports wholeheartedly.

"It allows U of S teaching to be experienced by students who otherwise probably couldn't attend law school," he said. "It also lets students stay and learn among their own social support networks, and it will produce people trained to serve their communities as lawyers or in other capacities."

He also recognizes the huge part the Native Law Centre has played over the last four decades in steadfastly supporting and training Indigenous students at the U of S, especially through its summer



program (formerly the Program of Legal Studies for Native People).

"It has played a significant role in producing lawyers," Molloy said of the centre. "I've worked all across the country, and it's amazing how many lawyers I've met who talked about their time in the native law program. They always identified going to the U of S College of Law."

Relationships with Indigenous peoples have been at the heart of Molloy's work for decades—and if one thing is for certain, as he steps into the unknown of the lieutenant governor's office, that will continue.

"We're still in the process of defining what key items I will be working on, and in what way, but certainly, Indigenous relationships will be an important part of it," he said.





Nov. 11, 2017, for their 10-year reunion.



Glen Rutland (LLB'09) and Stephanie Whitecloud (LLB'07) with Dean Martin Phillipson at the Yellowknife alumni reception on Feb. 1, 2018.



Gerald Tegart, QC, (JD '76) receives the Canadian **Bar Association** Saskatchewan Branch Distinguished Service Award 2018 at the CBA Mid-Winter Meeting on Feb. 2, 2018.



Class of 2011 alumnae Courtney MacQuarrie and Alyssa Duke enjoy the Feb. 28, 2018 Calgary reception.





(L-R) Adam McLeod (JD '14), Rylund Hunter (JD '15), Markel Chernenkoff, (JD '11), Talon Regent (JD '15), and Samantha Neill (LLB '09) were just some of our alumni who gave their time to judge the Canadian National Negotiation Competition in March 2018.





Alumni Notes

Natasha Crooks (JD '04) was appointed a provincial court judge for Saskatoon, Saskatchewan, on March 24, 2018.

Mary McAuley (JD '06) was appointed a provincial court judge for La Ronge, Saskatchewan, on March 24, 2018.

On March 15, 2018, Yvonne M. Boyer (JD '96) was appointed to the Senate to represent Ontario - she is the first senator from the province to identify as Indigenous.

On Feb. 22, 2018, Heather MacMillan Brown (LLB '96) was appointed a judge of the Saskatchewan Court of Queen's Bench.

On Feb 2, 2018, Gerald Tegart, QC (BE '73, JD '76) was awarded the Canadian Bar Association Saskatchewan Branch Distinguished Service Award 2018.

On Jan 22, 2018, Tom Molloy, OC, SOM, QC (BA '64, LLB '64, LLD '09) was appointed lieutenant governor of Saskatchewan.

Jasvinder S. (Bill) Basran (BComm '89, LLB '94) was appointed a judge the Supreme Court of British Columbia, Vancouver, on Jan. 19, 2018.

Brian Beresh, QC (BA '72, LLB '75) opened the boutique criminal defence firm Beresh Law in Edmonton, Alta. The firm will focus on the defence of serious criminal issues, and protection of civil rights and constitutional law cases.

Mary Culbertson (JD '14) was appointed treaty commissioner of Saskatchewan on Jan. 28, 2018.

Cara-Faye Merasty (JD '12) was named a CBC Saskatchewan 2017 Future 40 winner.

On Feb 1, 2018, Glen Johnson (LLB '86) was reappointed as a full-time member of the Employment Insurance section of the Government of Canada Social Security Tribunal.

On Nov. 29, 2017, Robert Leurer, QC (LLB '84) was appointed a judge of the Saskatchewan Court of Queen's Bench.

Paul Chartrand (LLM '88) received a 2018 Indspire Award for Law and Justice.

Kathleen M. Ring (LLB '84) was appointed prothonotary of the Federal Court on Dec. 19,

On Feb. 2, 2018, the following appointments were made to the Government of Saskatchewan:

Bronwyn Eyre (BA '93, LLB '96) - Minister of Energy and Resources; Minister Responsible for SaskWater and SaskEnergy.

Jeremy Harrison (JD '04) - Minister of Export and Trade Development; Minister of Immigration and Careers Training.

Gordon S. Wyant (LLB '79) - Deputy Premier.

In December 2017, the following College of Law alumni were awarded the Queen's Counsel designation for contributions to legal and public service in Saskatchewan:

Gary Bainbridge (BA '87, LLB '88) Leanne Bellegarde (LLB '91) Timothy Brown (LLB '91) Kimberly Earing (BA '95, LLB '95) Jennifer Fabian (LLB '82) Dennis Fisher (BA '83, BComm '88, JD '91) Joel Friesen (BComm '05, JD '06) Jordan Hardy (BA '92, LLB '95) Timothy Hawryluk (BA '01, LLB '01) Marianne Kramchynsky (JD '81) Joni MacKay (LLB '77) Joanne Moser (LLB '93) Mary Ellen Wellsch (BA '76, LLB '79) Todd Wellsch (BA '80, LLB '83)

Submissions: Send your news for our Alumni Notes column to law ofnote@usask.ca.

John Will (LLB '85)

Survey thank you

In our winter 2018 eUpdate, which was sent to alumni in January, we invited you to take our alumni and donor survey. The survey was designed to gather feedback that will help us assess how effectively we currently engage with you, both as alumni and donors, and identify any areas for improvement.

We were delighted with the number of responses we received and would like to say a huge thank you to those of you who completed the survey and shared your thoughts with us. The survey found that alumni events were the most popular way to engage with the college, and provided helpful suggestions for

future events. Also, we were pleased to see that 75 per cent of respondents are reading Of NOTE magazine in print, which is

fantastic!

We're already taking action to increase our reporting to donors, so those of you who give to the college can expect feedback on the impact of your gift. We look forward to using all the data gathered from the survey to inform our planning in alumni and donor relations over the coming years.

Have suggestions or feedback about our alumni activity? We're always open to hearing them. Please contact us at law ofnote@usask.ca or 306-966-1062.

In Memoriam

It is with sorrow that we note the passing of the following College of Law alumni:

Kirby H. Burningham (BA '86, LLB '86) d. Dec. 4, 2017

Robert G. (Bob) Crowe (JD '78, BA '83) d. Dec. 15, 2017

Frederick C. DeCoste (LLB '85) d. Feb. 16, 2018

Maria Lynn Freeland (JD '86) d. Feb. 25, 2018

John W. (Jack) Hagemeister (BA '51, LLB '55) d. Nov. 7, 2017

Mary R. (Rae) Murray (BA '51, LLB '53) d. Dec 29, 2017



Legacy of love

By Cat Bonner

A scholarship in memory of alumnus Kirby Burningham (LLB '86) will celebrate his love of rural Saskatchewan and his life's work serving his community as a lawyer.

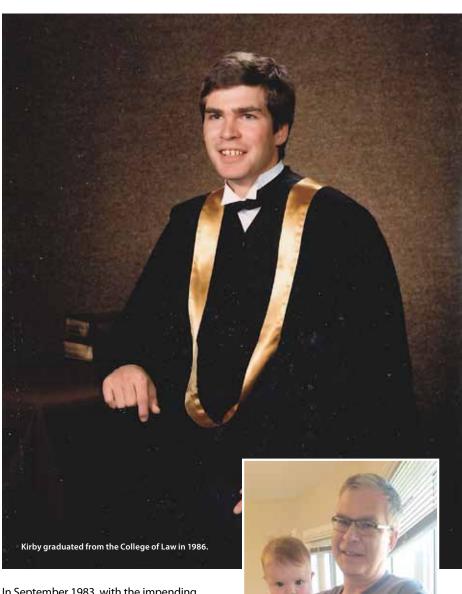
A devoted husband, dad, friend, colleague, volunteer and lawyer, Kirby passed away suddenly on December 4, 2017, leaving a huge void for those who loved him.

"He was an amazing father. I felt so unconditionally loved by him and so safe and protected by him," said Kirby's daughter, Sarah Burningham (LLB'09), assistant professor at the College of Law. "Dad always had time to listen to my problems, no matter how small and to help me try to solve them."

Generous, wise and community-spirited, Kirby was a champion of the small-town Saskatchewan communities he loved and called home. To honour his legacy, the Burningham family established the Kirby Burningham Award, a scholarship that will support a graduating College of Law student articling in rural Saskatchewan.

"Kirby loved being from Saskatchewan and especially loved being from a small town in Saskatchewan," said College of Law Associate Dean Academic, Doug Surtees (LLB'87), who knew Kirby in law school. "I know he would love to have his name associated with a scholarship which not only helps law students, but also helps support law graduates working, living and contributing to rural Saskatchewan."

Born in 1962, Kirby was a proud Saskatchewanian who spent the majority of his life in the province's small, rural towns. It was in one of those towns, Arborfield, where he met Diane, the beloved high-school sweetheart who would later become his wife. The couple went on to have three children, Kenneth, Sarah and Amy, the first two of whom were born during Kirby's time in law school.



In September 1983, with the impending arrival of his son, Kirby took up study at the College of Law. During his time at the college, he formed a particularly close bond with three of his classmates, Geoff Booth, Don Buckingham and Don Layh, and the foursome laid the foundation of life-long friendship.

Reflecting on the man they knew, Kirby's classmates remembered him as a kind.

Kirby loved being a grandpa to grandson

granddaughte

Emily (picture in 2017).



thoughtful man devoted to his growing family, who was uncharacteristically modest for a young law student.

"To me, Kirby's most redeeming quality was his humble nature—something that shone like a beacon of hope in the setting of law school," said Booth.

"I remember with fondness Kirby as a generous dinner party host, study buddy and champion of the 'little guy," said Buckingham. "His great laugh and charitable outlook on life were a treasure to close friends, and to anyone whose life he touched."

The four friends graduated from the College of Law in 1986. After graduating, Kirby articled and eventually settled to raise his family in the rural town of Tisdale, Sask. He was called to the bar in 1987, establishing his own legal practice soon after, which became his professional home for more than 30 years.

As a lawyer, Kirby was always willing to share the benefit of his wisdom and experience with those who needed it—he was an

"I remember with fondness Kirby as a generous dinner party host, study buddy and champion of the 'little guy," said Buckingham. inspiration, a mentor and a leader to many colleagues and junior lawyers.

One of those lawyers was his niece, Sharla Haggett (LLB'00) who credits Kirby as the sole reason she became a lawyer. When she expressed an interest in pursuing law, Kirby invited her to spend summers working in his practice.

"It was a tremendous start for someone wanting to know more about the law and gave me invaluable insight that I have carried with me throughout my law career," said Haggett. "Kirby sincerely cared about the successes of other people."

A man who considered it a privilege to help others, Kirby's staggering contributions to his community earned him a Queen's Diamond Jubilee Medal for volunteerism, and in 2009, he was named Tisdale's Citizen of the Year for his tireless work on community boards and revitalizing projects. Kirby also received two posthumous awards at the Tisdale Chamber of Commerce Imprints of Success gala on April 25, 2018. He was recognized for three decades of community work with the citizen's honour award, while his practice, the Burningham Law Office, received the pioneer business award for excellence.

"He worked really hard on making the town an attractive place to be, a place where people would want to live and work," said



Burningham. "He thought rural communities like Tisdale and Arborfield had a lot going for them—that people knew each other and cared about each other, and he worried that these small communities wouldn't survive without attracting services and young people."

A poignant reminder of how much he will be missed, Kirby's scholarship is a fitting tribute to a man who so devotedly served the community he loved.

"The scholarship will be a great part of the legacy that Kirby has left behind, and a reminder of the inspiration that he was to those who knew him best," said Haggett. "I'm hopeful that [the] recipients will have a sense of the person that Kirby was as they venture out into their law careers, and that this will provide them a foundation, much like he did for me."

If you would like to contribute to the Kirby Burningham Award, please contact our Major Gifts Officer, Megan Cantwell, at megan.cantwell@usask.ca.



15

Student recognized with U of S Indigenous Student Achievement Award

Former law student Lindsay Hjorth received the award for her leadership, volunteerism and research work during her time at the College of Law.

Indigenous Student Achievement Awards were presented during U of S Indigenous Achievement Week in February 2018, and recognize outstanding students from each college for having excelled at their studies, conducted unique and compelling research, shown leadership or made significant contributions to the community.

Hjorth's many contributions included acting as first-year student representative for the Indigenous Law Students Association (ILSA) and as the Canadian Bar Association representation for ILSA. She also did a placement at CLASSIC law, working under the supervision of lawyers to help inner-city Saskatoon residents with legal services, and she continued to volunteer for the organization afterwards. Her research paper on the implementation of crucial Supreme Court of Canada decision R v Gladue in Saskatchewan courts found that while courts had paid lip service to Gladue principles, sentences for Indigenous offenders were rising compared to non-Indigenous offenders.

Hjorth is Métis and grew up in Indian Head, Sask. While studying for an undergraduate degree in political science and sociology at the University of Regina, her passion to advocate for Indigenous peoples in Saskatchewan really began to grow.

"For the first time in a formal learning institution, I was learning details about colonization and the deeply rooted impacts and effects it had on Indigenous peoples in Canada," she said.

She applied to law school to fulfill a lifelong desire to study law, and work in the criminal justice system.

Having finished her law degree a term early, and now working outside Saskatoon, Hjorth was unable to receive her award in person at the February 5 ceremony, but was delighted to be recognized.

"When I found out that I was selected for the College of Law's 2018 Indigenous Student Achievement Award, I was honoured," she said. "This award means a great deal to me, especially knowing that my research [into the Gladue principles] has not gone unnoticed."

Hjorth plans to use her law degree to advocate for Indigenous peoples and address systemic issues within the criminal justice system.



LLM News

Emily Harris successfully defended her thesis *Addressing the Needs* of *Patients with Rare Diseases in Canada: An Evaluation of Orphan Drug Incentives* on Jan. 8, 2018. *Supervisor: Barbara von Tigerstrom.* **Oluwatoyin Omotoso** successfully defended her thesis *Towards Indigenous Consent within Consultation in Resource Development: An Examination of Legal Standards for Consent on Aboriginal Title Lands* on Dec. 14, 2017. *Supervisor: Dwight Newman.* **Brea Lowenberger** successfully defended her thesis *Operationalizing* and Assessing Reflective Practice in Legal Education: A Window of Opportunity on Nov. 20, 2017.

Supervisor: Michaela Keet.



Supporting students

to success

The gift of a scholarship or bursary from a donor can make an enormous difference to a university student. Without this kind of support, the cost of tuition, books and fees can put a university education out of reach. And for many College of Law students, law is their second degree.

Haley Lingelbach (BComm'15) decided to pursue a law degree after graduating from the Edwards School of Business. Last year, Lingelbach received the G. Murray Forbes Memorial Bursary, which is awarded to a student in financial need, in good academic standing, who volunteers actively in their community. Now in her seventh year of university and third year of law school, Lingelbach explained the impact the bursary has had on her learning experience.

Of Note (ON): How did receiving the G. Murray Forbes Memorial Bursary help you financially?

Haley Lingelbach (HL): This bursary helped immensely with the cost of attending law school, and university in general. I began post-secondary schooling right after graduating from high school. In order to focus on my studies and maintain involvement in my school and community, I haven't been able to work a part-time job during university—for the past six years, my only income has come from full-time jobs each summer, and scholarships or bursaries. I've also relied on student loans to pay for tuition, textbooks and my other expenses. Receiving the G. Murray Forbes Memorial Bursary helped relieve the pressure of paying for school, and will also keep my student debt down.

ON: How about personally?

HL: I've always taken my extra-curricular and community involvement seriously, and though I thoroughly enjoy volunteering my time, it's much easier to do when I know that I can afford to pay for school. I'm so thankful for this particular bursary, as it allows me to do the things I love and help others.

ON: Why did you choose to study law?

HL: My mother has worked as a secretary in a law firm all her life, so I grew up asking questions about law. However, after taking a LAW 30 class in high school, I really decided I wanted to learn more about the subject. I also realized that as I enjoy helping others, I can play a role in making the legal system easy for people to navigate, as it can be stressful and intimidating.

ON: Why do you think philanthropy is important?

HL: In my opinion, giving back is one of the best ways to show appreciation. Furthermore, giving to students today will hopefully encourage them to give back in the future. Philanthropy is one way for people to help that really does make a difference in the lives of students.



ON: You're set to graduate in June 2018. What are your goals after you finish law school?

HL: I'll be articling with McKercher LLP in Regina, Sask., and I'm very excited to experience different practice areas.

ON: Anything else that you would like to share?

HL: Receiving this bursary was a huge honour for me, and I'd like to thank the donors for supporting students like me. When donors support students financially, they help us to see that there are people that care and want to see us succeed. Because of that, I push myself to work harder every day, and to make the world a better place for the generations after me.

The Honourable Mr. Justice G. Murray Forbes and his wife Edna established the G. Murray and Edna Forbes Foundation, and endowed a gift that supports those pursuing a legal education.





Student philanthropy in a class of its own

College of Law students are giving back to each other, and their community, in a variety of ways.

One Day for Students

An annual university-wide fundraising event, One Day for Students encourages a culture of philanthropy at the University of Saskatchewan (U of S) by inviting the campus and community to make donations that help students in financial hardship.

The fourth One Day for Students took place across campus on March 14, 2018, to benefit the Nasser Family Emergency Student Trust, a fund accessible to all U of S students in times of unexpected crises. Student volunteers from the College of Law set up a fundraising station in the student lounge, encouraging their classmates and the college community to donate. Despite having one of the smaller student bodies on campus, on the day, the College of Law raised the third highest dollar amount of all the U of S colleges.

On March 14, the U of S community came together in support of students facing financial crisis, raising \$46,436 for the Nasser Family Emergency Student Trust. Professor

Emeritus Kay and Mrs. Dora Nasser, U of S alumni and philanthropists, matched all donations to the Nasser Family Emergency Student Trust, and were so inspired that they also matched the additional \$5,345 donated to other U of S priorities on One Day for Students, bringing the total raised to \$103,695 from over 500 donors.

The Law Students Association (LSA)

When it comes to student giving, the LSA is playing a leading role.

"As law students, we recognize that we have received an immeasurable amount of support from a wide range of sources: family, friends, professors and, of course, our communities," said LSA President Lindsey Knibbs. "We are in a unique position to influence change, and to give back to these communities."

The group actively encourages student philanthropy at the College of Law, creating opportunities within the college and the broader Saskatoon community. This year's events have included a Habitat for Humanity build, a Movember campaign and a blood drive.

Closer to home, the LSA pledged a portion of ticket sales from its October 2017 First Year Formal to the college's new refugee scholarship, allowing a majority of the college's student body to help a future classmate. The scholarship will fund the tuition, student fees and textbooks of an incoming law student for the duration of their three-year Juris Doctor degree.

Suit for the Stars

The Corporate Law Club's "Suit for the Stars" drive was one example of a student-led initiative which benefitted people in the community.

The drive called on members of local firms and corporations to donate lightly used suits and formal wear for graduating high school students. The suits were taken to three high schools in Saskatoon to be given to students who would otherwise have difficulty affording a suit for graduation or for a future job interview.

Organizer and first-year law student Courtenay Catlin said the drive was a great way to recycle suits for those who needed and appreciated them, and for law students to give back.

"As a club, we run this initiative because it is a fantastic outlet to help those in need," said Catlin. "By providing high school students with a quality suit they otherwise would not have been able to afford, we hope that we can instill the confidence in them to achieve their future goals and aspirations."





COLLEGE HOSTS NATIONAL NEGOTIATION **COMPETITION**

Strong performance earns College of Law team fourth place, as Osgoode Hall claim top spot.

Karen Mann and Adam Voorberg edged out fellow finalists Kaitlin Buchko and Tanci Carvalho of the University of Manitoba's Robson Hall law school to win the 2018 **Canadian National Negotiation Competition** (CNNC), hosted by the U of S College of Law and sponsored by Dentons LLP and Cameco.

As winners of the competition, Mann and Voorberg claim a place in the International Negotiation Competition taking place this summer in Cardiff, Wales.

"It's a huge honour to represent Canada, and we're really looking forward to it," said Voorberg.

The two teams representing the U of S also achieved highly in the competition.

College of Law students Jacey Safnuk and Christina Judge, who won the college negotiation competition final in October 2017, placed fourth overall. The team also earned an honourable mention for a strong performance in planning and self-analysis.

Fellow competitors Kaylee Mitchell and Antonela Cicko were also awarded honourable mention, for teamwork and relationship-building.

Now in its second year, CNNC brings together law students from schools across Canada to practice and improve their negotiation skills in a series of legal problems.

A total of 14 teams competed in CNNC from nine different law schools, which also included the University of Calgary, the University of New Brunswick, Western University, the University of Alberta, the University of Ottawa, and McGill University.

Approximately 45 practicing lawyers and experienced negotiators gave their time as judges for the competition, 41 of whom are College of Law alumni. The judges were impressed by the skill level of the competitors.



"As a U of S College of Law alumnus, I thoroughly enjoyed the opportunity to participate as a judge in the competition," said Kevin Wilson, partner with MLT Aikins LLP in Saskatoon. "The students did an outstanding job, and competitions like this clearly provide invaluable experience to law students that greatly enrich their law school experience."

For competition organizer Michaela Keet, professor at the College of Law, the experience was also a rewarding one.

Mann, Osgoode Hall, Sheehan, University York University. of Ottawa.

Second place: Kaitlin Fourth place: Jacey Buchko and Tanci Safnuk and Christina Carvalho, Robson Hall, Judge, University of University of Manitoba. Saskatchewan.

"We are thrilled to see the competition continue to grow, with more teams competing this year," Keet said. "Students recognize negotiation as a core skill area in today's legal world, one that will serve them well as practicing lawyers, and they appreciate the opportunities presented by competitions such as this."







Diary of a moot competition

In February 2018, teams from the University of Saskatchewan competed in the American Bar Association Representation in Mediation competition for the first time. Third-year College of Law students Cheryl Giesbrecht, Lindsey Knibbs, Brady Knight and Tanner Schroh travelled to New York City for the competition, which took place at Fordham University Law School. This is a diary of their experience.



We were excited to land in the Big Apple a few days before the competition. Only one of us had visited the city before, so for the other three, it was a new experience. Along with our coach, Prof. Michaela Keet, we stayed in an apartment in Hell's Kitchen, Manhattan. We settled in to our accommodation and made the most of our unique surroundings to start preparing for the competition ahead.

Being in New York City, we just had to take some time to see the sights! We toured the United Nations (UN) Headquarters, and took in The Play that Goes Wrong on Broadway. We also visited Ground Zero and Times Square, walked the Brooklyn Bridge and Central Park, and took the Staten Island Ferry. Some of us went to see the filming of some late-night TV shows, including The Daily Show with Trevor Noah and The Late Show with Stephen Colbert. We also tried some delicious NYC cuisine, including some American favourites—pizza and barbecue!



As the first and only Canadian team to participate in the Representation in Mediation competition and proudly representing the U of S College of Law, we were eager to showcase our dispute resolution skills. Preparation was key, so we spent the day before the competition at Fordham Law School. We had worked diligently for several months, but it was useful to familiarize ourselves with the competition setting, fine-tune our opening statements, and strategize. A popular mantra at Fordham Law is "Go forth and set the world on fire"—and we were certainly ready to do that!

Outside the UN Headquarters.

One of the main benefits of participating in the competition was directly experiencing different styles of negotiation in mediation. Many US law schools train their students with a different style of negotiation to the most common models in Canada. We also had the opportunity to compete against students trained in a similar style of dispute resolution. We saw one of those teams make it to the finals, which was gratifying—naturally, we believe in our style of dispute resolution! We really appreciated the feedback we got from the judges, and hearing their comments to our fellow competitors, as it gave us strong insight into the perspectives of several New York lawyers and mediators.

We are incredibly proud of our performance at the competition, as was our coach, Prof. Keet. Tanner and Lindsey finished in third place overall, winning both of their rounds and narrowly missing out on the finals. They also got the most points overall and the highest scores for the self-analysis component. Cheryl and Brady finished fifth, defeating teams from Cardozo and Buffalo on their way. We were the only law school that had two teams place in the top five, and we topped teams who have advanced to the national competition.



Taking a walk o Brooklyn Bridge

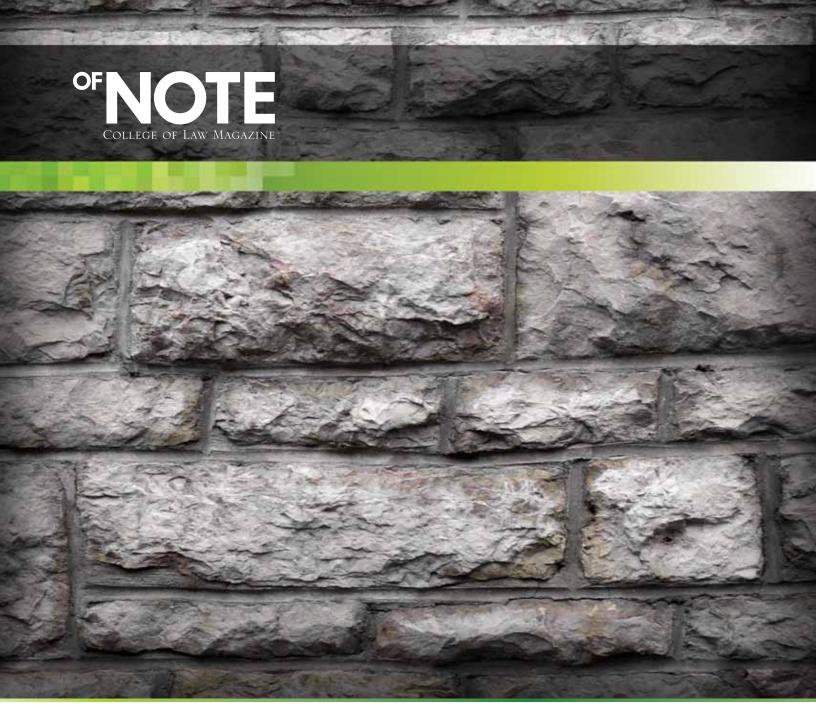


Overall, this was a fantastic experience for us, and we each had a favourite take-away from our visit. For Lindsey, visiting the UN Headquarters was especially meaningful after taking a course in international humanitarian law. Brady was inspired by the preparation and improvisation of the actors in The Play that Goes Wrong. Cheryl was delighted to meet Supreme Court of Canada Justice Rosalie Abella, who was at Fordham School of Law for a speaking engagement. And Tanner was struck by the city's awareness of social issues and advocacy for change, following the Parkland high-school shooting in Florida.

Many thanks to Cheryl, Lindsey, Brady and Tanner for sharing their experience.

SPRING 2018

21



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