

SPRING 2015



UNIVERSITY OF  
SASKATCHEWAN

College of Law

# OF NOTE

COLLEGE OF LAW MAGAZINE

## Ripple Effect:

The relationship between  
law, advocacy and the  
criminal justice system

- From intern to author:  
Writing case law for Kenya
- Rewarding Diversity: Brad Berg and  
Brian Rolfes establish LGBT Rights  
Scholarship at the College of Law
- University of Saskatchewan  
president emeritus launches  
book





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.

To submit information or articles for *of NOTE*, or to send us your latest news, whether personal or professional, please contact:

#### EDITOR

##### Debora Senger

Communications and Alumni Relations Officer  
 College of Law  
 University of Saskatchewan  
 15 Campus Drive, Saskatoon, SK S7N 5A6  
**Email:** law\_ofnote@usask.ca

#### CONTRIBUTORS

Sarah Trefiak, Colleen MacPherson, Meridith Maloof,  
 Judge Sanjeev Anand

**Cover and inside cover photos:** David Stobbe

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**From intern to author:  
Writing case law for Kenya**

Second-year law student Craig Mracek's internship unveiled a passion for constitutional law and an opportunity to write case law for Kenya.



**Rewarding Diversity: Brad Berg and Brian Rolfes establish LGBT Rights Scholarship at the College of Law**

The duo's generous commitment over four years recognizes students' exemplary commitment to the pursuit of LGBT rights.



**University of Saskatchewan president emeritus launches book**

Peter MacKinnon launched his book *University Leadership and Public Policy in the Twenty-First Century: a President's Perspective* Jan. 20, 2015.



## Dean's Message:

February and March are always busy times in the College of Law, and this term has been no exception. The last week of February was the annual dispute resolution week for first year students, who are excused from their regular class schedule to participate in a full schedule of

negotiation, mediation and sentencing circles. During this week, it is hard to find any corner of the building without a knot of students immersed in discussion. February is also moot season, a traditional rite of passage that begins in the first year for students. It is also the season when our upper-year competitive moot teams have been frantically preparing and rehearsing for their moment in the spotlight.

On March 12, the college hosted the third session of the Dean's Forum on Access to Justice, which brought together lawyers, judges, government officials, representatives of legal aid and pro bono organizations, faculty members and students to focus on issues related to access to legal services and the legal system. A group of our students assisted in the preparation for this event by carrying out research and drafting discussion papers on themes of legal education and regulation of non-lawyer legal professionals.

Also on March 12, a group of women judges and members of the Women Lawyers' Forum met with female law students to talk about the status of women in the judiciary and in the legal profession.

On March 21, the members of the Dean's Advisory Council held its annual meeting in the college, where members provided counsel on a number of issues facing law schools in general, as well as our own. The members of the council are drawn from multiple generations of alumni representing a spectrum of legal careers and different parts of the country.

These events, and others, remind us of the importance of our relationship with members of the legal profession and the judiciary, who step up to assist with college programs. These people, many of them our graduates, make a significant and continuing contribution to our work, whether they are acting as a mediator or coach in dispute resolution week, sitting as judges on practice moots, mentoring our students, teaching as sessional or guest lecturers, or providing their advice on issues of legal education. I continue to be delighted – and often surprised – at the extent of their dedication and their willingness to be involved. On behalf of my colleagues, I would like to thank them, and to express my hope that our close relationship will continue.

**Beth Bilson, Q.C.**

Acting Dean, College of Law

## Former Dean of College of Law tendered resignation to accept Provincial Court Judge appointment in Saskatoon

*By Judge Sanjeev Anand  
Provincial Court of Saskatchewan*

**As** many of you know, I tendered my resignation as dean of law on October 16, 2014, to accept an appointment as a judge of the Provincial Court of Saskatchewan. Although I am honoured to have been chosen to serve the people of Saskatchewan in this new capacity, I am sorry to leave the College of Law. While I am not an alumnus of the law school, it has always held a special place in my heart as the institution at which I began my career as a professor. The college's well deserved reputation as being one of Canada's premier law schools drew me back to it to take on the role of dean of law in 2011. I have never regretted the decision to return to the University of Saskatchewan.





During my tenure as dean, and with the assistance and support of the college's faculty, staff, students, alumni and friends, we accomplished a great deal.

#### **Establishment of Research Chairs**

The law school received its first ever Tier 2 Canada Research Chair in Indigenous Rights in Constitutional and International Law and, at the time of my departure, the college was in the midst of recruiting for a second Canada Research chair in the area of Natural Resources Law. The Estey Chair in Business Law, the College's third endowed Chair, was established and the inaugural chairholder, Roderick Wood, from the University of Alberta's Faculty of Law, took up this post this year.

#### **Classic**

The law school strengthened its financial support to its inner city poverty legal clinic, CLASSIC. Together, with support from generous donors such as Merlis Belsher, CLASSIC is on a stronger financial footing than ever before. Since 2011, the law school has seen the introduction of a semester-long clinical program at CLASSIC as well as the creation of clinical programs in criminal and Aboriginal law.

#### **Mooting**

Pressures on the law school's endowment have decreased through sponsorships of various moots by the Law Foundation of Saskatchewan, McDougall Gauley LLP, Robertson Stromberg LLP and Talisman Energy Inc. As a result, the University of Saskatchewan's law school has increased the number of competitive moots for its students at a time when some other law schools have reduced the number of mooting competitions. The most recent addition to the college's Moot teams is the Willms & Shier Environmental Law Moot.

#### **Guest Speaker Series**

The sponsorship of the College's Guest Speaker's program by McKercher LLP has meant that the law school has been able to attract a greater number of high profile speakers to campus to engage with the student body and the public.

#### **Other Experiential Opportunities**

In addition, the law school is now able to devote more of its endowed resources to fund its students to attend conferences or engage in other types of experiential learning opportunities. The law school has introduced innovative course offerings including the new Business Skills and Risk Analysis course and the Law and Happiness course. Moreover, many long existing classes, such as Wills and Civil Procedure, are undergoing reforms in order to encourage more active learning and participation among the students who will be expected to work together to complete simulated client matters arising in these areas.

#### **Alumni and Student Engagement**

The past three and a half years have seen a growth in alumni engagement with the college through our highly successful centennial celebrations, the establishment of a number of annual alumni receptions in key cities, and the creation of a Dean's Advisory Council. The college's students are also more engaged through the creation of such initiatives as the First Year Welcoming or Black Gown Ceremony (sponsored by the Calgary law firm of Burnet, Duckworth & Palmer LLP) - a first of its kind among Canadian law schools.

#### **Scholarships**

In addition, scholarship support for the college's students has soared. For example, the total value of entrance scholarships for law students has more than doubled since 2012. As a result, the law school can better compete for talented students and retain them once they are enrolled.

These accomplishments would not have been achieved without your efforts and I want to take this opportunity to express my gratitude to all of you for the generosity and the confidence that you have shown in me and in the College of Law.

The University of Saskatchewan will shortly undertake a search for a new dean. The successful candidate will lead the nationally recognized law school at a time of unprecedented change in the legal profession and education system.

Your support of the new dean and continued willingness to engage in college activities and initiatives will ensure that the law school remains at the forefront of legal scholarship and pedagogy.



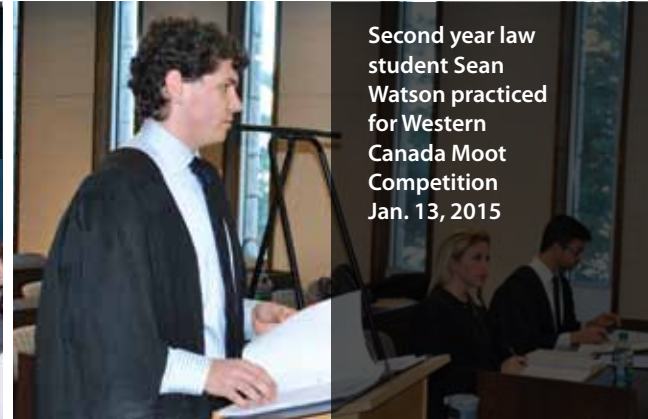
# Around the College

Student instructors Brea Lowenberger and Janelle Anderson and student participants pose with Acting Dean Beth Bilson at the third annual Dean's Forum on March 12, 2015.

Hon. Judge Inez Cardinal and Robert McGavin led Restorative Justice: A Simulated Youth Sentencing Conference at the Saskatchewan Provincial Court on Friday, Feb. 27. The session took place on day five of the First-Year Dispute Resolution Program.



Second year law student Sean Watson practiced for Western Canada Moot Competition Jan. 13, 2015



College of Law Western Canada Moot (WCM) Team coach Ashley Smith congratulated Bill Roe, Q.C., for 13 years of service as coach of the WCM Team at the WCM banquet and awards ceremony held on Saturday, Feb. 7, 2015.

First year law students Justine Bell, Jenna Killam and Siera Bearchell attended the 2015 Career Forum Wine and Cheese at the University Club on Friday, March 6.



Second year law students Kate Wilson (left) and Vamsi Suresh (right) played the roles of associate justices, while Assistant Professor John Kleefeld acted as chief justice at a mock (moot) appeal during the First-Year Moot program, which ran from February 2 to 6.



College of Law First Year Welcoming Ceremony at Convocation Hall in September, 2014.







Photo (l to r): Bruce Gordon, Ashley Smith (coach), Sean Watson, Brooke Johnson Gaab, and Steven Larocque.

## U of S team runner-up at MacIntyre Cup

By Debora Senger

The College of Law Western Canada Moot Team Bruce Gordon, Sean Watson, Brooke Johnson Gaab, Steven Larocque and coach Ashley Smith was runner-up at the 2015 MacIntyre Cup competition held in in Saskatoon from Feb. 5 to 7. The team placed second among teams from the Universities of Victoria, British Columbia, Alberta, Calgary and Manitoba.

The MacIntyre Cup is an annual mootting competition for Western Canadian law schools. The top two teams advanced to the National Sopinka Cup competition held in Ottawa, Ontario on Mar. 13 and 14. While the College of Law moot team did not place at the Sopinka Cup, the students were phenomenal and had their best trial of the year at the national competition.

The runner-up placement marks the U of S's third MacIntyre Cup second place finish in the last six years. In addition, the U of S team holds three MacIntyre Cup victories.

The team also brought home two Sopinka Cup wins, one second and one third place finish since 2009/10 under the leadership of Coach Ashley Smith. Smith is currently an Associate with MacPherson Leslie & Tyerman (MLT) LLP.



Bill Roe, Q.C. was honored for 13 years of service as coach of the U of S Western Canada Moot (WCM) Team at the WCM banquet and awards ceremony held on Saturday, Feb. 7, 2015. Roe retired from practicing law this year, something he has done passionately since 1976.

## The MacIntyre Cup, not the McIntyre Cup

By Heather Heavin

The MacIntyre Cup is an annual mootting competition for Western Canadian law schools.

Over the years, there has been some confusion over the name of the cup, and after whom it has been named. Many thought that Cup was named after former Supreme Court of Canada Justice William McIntyre. However, it is actually the MacIntyre Cup, named after former law professor, Dr. Malcolm M. MacIntyre (1904-1964).

Malcolm MacIntyre was born in Sussex, New Brunswick and grew-up in Sackville, New Brunswick where his father was a probate judge. He attended Mount Allison University and then pursued his legal education at Harvard Law School. His first academic post was at Dalhousie University where he taught for one year. Upon the break out of World War One, he moved to Edmonton to teach at the University of Alberta where he, the Dean, and several practicing lawyers were tasked with teaching the entire curriculum.

World War Two brought a disruption to his academic career and in 1940, Dr. MacIntyre returned to New Brunswick to care for aging parents. He then returned to academia in 1948, joining the Faculty of Law at the University of British Columbia. He passed away in 1964 after a short illness.

Dr. MacIntyre was well-loved and respected by his students. Dr. MacIntyre's son, UBC Professor Emeritus James MacIntyre, explained his father's style of teaching in this manner: "Law teaching at that time was called the 'case method' the law teachers produced a list of cases and taught those cases. Dr. Mac taught by what was called the Socratic method; he didn't lecture - he asked the questions and expected every student to argue the case vigorously. The better they argued, the more they learned."

The expectation of higher learning through vigorous debate still rings true today, and it is expertly demonstrated by the law students competing for the honour of winning the MacIntyre Cup.

**Note:** Content was supplied through correspondence with Professor Emeritus, James MacIntyre, Q.C.

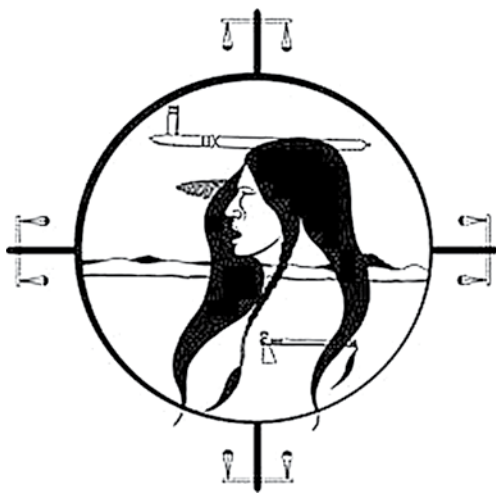
## LLM News

**Adedoyin Adefemi** successfully defended her thesis *Widows as 'Cultural Tools': Translating Widows' Rights into Local Realities in Uganda and Nigeria*, on February 27, 2015.

Supervisor: Lucinda Vandervort

## Correction Notice

In the last issue of *of Note*, the 2014 College of Law McDougall Gauley Securities moot team should not have had the 2014 MacIntyre Cup Champions banner above it.



## Native Law Centre News

By Meredith Maloof

### Guest Speakers, Educational Programs and Events

Over the past year we have welcomed a number of speakers and organizations to the Native Law Centre. For example, this past December we hosted a luncheon for the Canadian Lawyers Abroad's Dare to Dream project, a justice education and outreach program for First Nation, Métis and Inuit youth ages 11 to 14. Provincial Court Judge Gerald Morin, who established Saskatchewan's Cree Court, was in attendance, as were a number of key media companies, primary school students, and law students and lawyers from Saskatchewan and Ontario. The Centre also had representation at the Indigenous Bar Association's 2014 conference, and organized and facilitated a PLSNP reunion in Calgary, Alberta. This past March, the Centre partnered with the Saskatchewan Ministry of Justice to host a dialogue on the Draft Justice Framework to Address Violence Against Aboriginal Women and Girls. The Centre also partnered with the Law Foundation of Saskatchewan H. Robert Arscott Chair, Christine Zuni-Cruz, to host A Talking Circle of Indigenous Scholars, Writers and Jurists on Indigenous Law and Justice.

The Centre also welcomed many speakers this past year, including John Ralston Saul (author/academic); Kim Pate (Sallows Chair in Human Rights and Order of Canada recipient); Lisa Neve (the second woman and first Aboriginal woman to be declared a dangerous offender in Canada); Howard Sapers (correctional investigator); Hirini Matunga (Deputy Vice Chancellor, Lincoln University, New Zealand); Jonathan Rudin (program director of Aboriginal Legal Services of Toronto); Sylvia McAdam (author/Aboriginal rights advocate); Yvonne Johnson (award-winning author); David Milgaard (advocate for the wrongfully convicted); Deanne Kasokeo (PLSNP alumna and lawyer); Paul Seaman (PLSNP alumnus and lawyer); and many others.

### Communications Initiatives

Through three new communications initiatives, the NLC is working to increase the amount of content on its website:

First, we have created a Facebook page for the Native Law Centre where we are posting information on seminars, lectures and events relevant to our mandate, as well as news and updates on the current state of Aboriginal law in Canada. The page is also a place to find and key decisions and events occurring in other common law jurisdictions such as New Zealand, Australia and the United States.

Second, we have created a Case Watch blog for our website that is regularly and promptly updated with new jurisprudence on Canadian law as it affects Aboriginal peoples. New entries to the Case Watch blog are also reposted to our Facebook, Twitter and LinkedIn accounts to ensure speedy and efficient distribution to any and all individuals who wish to follow the Centre by way of social media. The blog was started in September 2014, and in the last seven months there were over 7,466 views of the nearly 100 case summaries we posted. Please visit our Case Watch blog at [www.usask.ca/nativelaw/news/index.php](http://www.usask.ca/nativelaw/news/index.php).

Third, the Centre has recently moved its Justice as Healing newsletter online. Published for our subscribers since 1996, Justice as Healing features articles about Aboriginal concepts of justice founded on traditional knowledge and language and rooted in Aboriginal experiences and feelings of wrongs and indignation. We expect to reach an even broader audience by providing Justice as Healing for free and online. Volume 1 of 2015 is forthcoming and will be available for download at [www.usask.ca/nativelaw/jah/](http://www.usask.ca/nativelaw/jah/).

### Scholarships

The Native Law Centre continues to administer a number of annual scholarship awards to law students. This past year we proudly awarded the national Roger Carter Scholarship Award to four Aboriginal law students, two from the University of Saskatchewan College of Law: Kurtis MacDonald and Francine Merasty.

### Staff News

The NLC welcomed three new employees this past year:



**Meredith Maloof**, a Métis lawyer from Arnprior, Ontario, joined the Native Law Centre in 2014 as the Law Foundation of Saskatchewan Legal Research Officer. Meredith is an alumna

of the Program of Legal Studies for Native People (class of 2010) and obtained her JD from the University of Saskatchewan College of Law in 2013. She was admitted to the Saskatchewan Bar in 2014 and returned to the Centre to pursue her interests in research and education. Meredith continues to be actively involved in the community, serving as a supervising lawyer with Pro Bono Students Canada, a participating



lawyer in Canadian Lawyers Abroad's Dare to Dream project, and co-teacher of the Academic Success Program at the U of S College of Law. In September 2015, Meredith will begin her Master's of Laws at the U of S College of Law where she will explore the judicial theory of loss of chance and investigate whether Canada's judiciary should award compensatory damages in cases where there is a causal link between negligence and a lost chance of inheritance.



**Benjamin Ralston** is a lawyer from British Columbia who joined the Native Law Centre in 2014 as a research officer working primarily on the Centre's publications. Benjamin

also teaches as a sessional lecturer at the U of S and continues to practise law part time, providing research and drafting assistance to BC-based law firms that specialize in Aboriginal law. Benjamin has experience working for BC First Nations clients on matters including federal environmental assessments, a federal commission of inquiry, negotiations under the Species At Risk Act, and more general legal issues. Benjamin also recently completed his Master's of Laws at the University of Otago in New Zealand on a topic related to the joint management of marine resources between Indigenous peoples and the Crown comparing marine use planning projects in British Columbia and New Zealand.

**Loretta Markowski** is a Métis law student originally from Prince Albert, Saskatchewan. She has resided in Saskatoon for the past 14 years and is a mother to a 12 and a 16 year old. Loretta is a PLSNP alumna (class of 2012) and is currently in her third year of law at the U of S College of Law. In May of 2014, Loretta joined the Native Law Centre as the assistant to the development officer and shortly after became the development officer. With the Centre's support, she has maintained this position on a part-time basis throughout her final year of law school.

## U of S team receives special award at ICC Mediation Competition

*By Debora Senger*

The College of Law's Mediation Advocacy Moot Team successfully participated in the 2015 International Chamber of Commerce (ICC) Mediation Competition in Paris, France, from February 5 to 11.

The ICC Mediation Competition welcomed 66 business and law schools from more than 40 countries. In addition, more than 500 participants competed in the biggest and most diverse competition in its 10-year history.

The team returned with one of ten special awards – the Best use of Relationship-Building Skills in a commercial mediation.

Team coaches Kathryn Ford, QC, and Professor Michaela Keet were delighted with the team's performance. "Given

that the competition is considered the "premiere international mediation competition" in the world, this is quite an accomplishment," said Keet.

The team participated in four rounds of negotiation alongside teams from Kosovo, Jodhpur (India), Lagos (Nigeria), and Bhopal (India). The negotiations were mediated and judged by professionals from Berlin, Amsterdam, London, Italy, Northern Ireland, Delhi, and Moscow.

The international competition provided the team with an opportunity to profile the College's strong dispute resolution program and to network with international mediators and university representatives.



The team received one of ten special awards. (l to r): Rylund Hunter, Sunjeet Grewal, Professor Michaela Keet (coach), Kathryn Ford, QC (coach), Kara Moen, and Talon Regent.



The team visited the Eiffel Tower in Paris, France. (l to r): Kara Moen, Talon Regent, Sunjeet Grewal, and Rylund Hunter.



## Women in Law group returns to the college

By Sarah Trefiak

A new student group has been established—or rather, re-established—at the College of Law. After dissolving in the mid-1990s, the new Women in Law group at the U of S has been resurrected thanks in part to students Katerina Mikos and Paula Bittman. As co-ordinators they have worked to have the group officially ratified by the University of Saskatchewan Students' Union (USSU).

The purpose of the group, said Mikos, is to create a space for female bonding at the college. "We don't really have the same opportunities men do when it comes to campus sports," she said. "We also want to hold events that are open to a more diverse range of students to give them a place to discuss how they feel about law school and gender issues in law school and the profession."

Bittman said the group has also been appealing to female and male students with children. "We have been looking at ways we can bring speakers with different perspectives to the college who can show these students that there are different ways to be a lawyer, that you can have a balance and fit into the profession, you can have children and fit into the profession and you can care about feminism and still fit into the profession."

Law professor Wanda Wiegers said the group can offer female students a forum in which they can discuss any difficulties they may be experiencing in law school as well as concerns they have about their future career paths. "Beyond serving a supportive function, the group can also work on or organize around specific social justice initiatives that address the impact of law on women generally as well as specific groups of women," she explained.

The group welcomes all past and present College of Law students to join. Currently there is no official membership, but the group's Facebook page has more than 180 members. "Facebook has provided a place for an ongoing dialogue," said Bittman.



Paula Bittman (left) and Katerina Mikos (right), Co-ordinators of Women in Law, re-established the group, which dissolved in the mid-1990s.

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**We want to hold events that are open to a more diverse range of students to give them a place to discuss how they feel about law school and the profession.**

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"Everyone talks about how social media has made us more disconnected, but I really think it's a great way for people to connect. It also makes it a lot easier to organize events and solicit feedback."

With faculty support, Bittman, Mikos and other members of the group have already held several events, including monthly meetings and potluck dinners. They also co-ordinated and hosted a dinner on Nov. 26 that was modeled after a similar event that took place during the Power in Law conference in 2013.

"That was one of the most refreshing events I attended all year," said Bittman. "There were a lot of practicing lawyers, non-students and people in very different career paths. It was absolutely energizing to be able to solicit

that kind of guidance at a time when one is thinking about securing articles, so this year we tried to re-create that experience."

The group is also planning to host a guest speaker panel and have a larger presence during student orientation next fall. "We are planning to hold some sort of first week event to put incoming mature students in touch with current mature students. I think we want to create more support for people who have alternative experiences—both men and women," said Bittman.

While the group has held a number of successful events, the initiative that garnered the most buzz was a poster campaign they ran at the college in October. The aim of the campaign was to demonstrate how sexist comments can be damaging to women in



the profession. The group superimposed sexist comments they had heard over pictures of famous female lawyers and judges. 'You look so professional, you could be a politician's wife,' were printed over a photo of Hillary Clinton—a notable example. The photo also included an explanation of how Hillary Clinton is more than a wife, but a former secretary of state and United States senator. "The hope was to demonstrate the ridiculousness of what was being said about our abilities as women," said Mikos.

"We weren't trying to shame anyone," said Bittman, explaining that they took out specifics so it wouldn't be obvious who had said the comment. "We think that anyone who makes these comments is as much of a victim of gender attitudes as females are." She added that part of the problem surrounding gender issues is that people don't always realize that something is problematic when they say it. "For example, seeing Hillary Clinton as a wife instead of a politician first, is seeing a female in a suit that has status only because of her attachment to a man. We are trying to make people reflect on those types of attitudes."

The group has found that for the most part, people have been very receptive to the campaign. One man even emailed an apology to a female student for a comment he had made. "I've been impressed with some of the feedback, especially from men," said Bittman.

It is those types of attitude shifts that Bittman and Mikos hope will continue as they move forward with the Women in Law group. "I'm very excited to be part of the group as it is reappearing," said Bittman. "It will feel really good if the group stays together and is able to maintain an open dialogue with and network with the greater legal community."

"The group is about awareness and support," added Mikos. "Creating a collegial atmosphere does involve gender awareness and it does involve awareness of how your fellow students are experiencing law school. I think we are exploring topics that are intimidating for a lot of people, but topics that need to be discussed."

## McKercher LLP sponsors lecture series

*By Debora Senger*

Thanks to a generous gift from McKercher LLP, the College of Law was able to present the inaugural 2014/15 McKercher LLP Lecture Series – the first of a three-year planned guest lecture series. The lectures are free and open to the public.

Since January of 2015, the college has brought in 11 leading scholars, business leaders and legal experts to explore a wide range of topics, stimulate debate and enrich understanding.

To view the list of speakers, visit <http://law.usask.ca/find-people/McKercher-LLP-Lecture-Series.php>



Media outlets captured David Milgaard's lecture on wrongful convictions.



The MLT lecture theatre filled to capacity



Guest speaker **Michele Hollins, QC**, President of the Canadian Bar Association, spoke about retention and advancement of women in law, business and the professions.



Professor **Glen Luther** with guest speakers **Jonathan Rudin**, Aboriginal Legal Services of Toronto, **Kim Pate, CM**, Ariel F. Sallows Chair in Human Rights and **Yvonne Johnson**, Co-Author of *Stolen Life: The Journey of a Cree Women*.



FEATURE:

# From intern to author:

## Writing case law for Kenya

By Sarah Trefiak

Craig Mracek may have left Kenya over five months ago, but the country and his experience there is still very much on his mind. Now a second-year student at the College of Law, Mracek has the full-time job of pursuing his legal studies, as well as serving on the editorial board for a Kenyan academic journal and writing a casebook on the Kenyan constitution.



Mracek completed an internship with the International Commission of Jurists in Kenya (ICJ-Kenya) from May to August in 2014. There, he was placed with the Human Rights Protection Programme, where he focused primarily on constitutional issues, security sector reforms and the training of ICJ's paralegals. "I was fortunate to attend a number of constitutional conferences which provided a forum for deliberation on issues facing Kenya's development," said Mracek, explaining that much of the 2010 Kenyan constitution is still being debated in the courts and public sphere. "The idea is to bring democratic institutions closer to the public so that their views can be heard."

Mracek saw the opportunity to intern in Kenya during his presidency of the U of S chapter of Canadian Lawyers Abroad. "It was a pretty straightforward application process, but I am quite fortunate to have had a fair bit of overseas experience that I know weighed heavily in my favour for going somewhere like Kenya."

He was interested in the Kenyan internship specifically because he had spent a lot of time in east Africa, both because his family lived

there and through personal travels, but he had never been to Kenya. "I ended up focusing on work a lot more since I've already done many of the touristy things—and it turned out to be fantastic."

Mracek encourages any students who may be interested in internships to apply. "Apply to anything and everything you can. The opportunity to go and experience a new culture and a different form of law enhances your ability to learn law back here," he said. "Best case scenario, you totally fall in love with a certain issue like I did with constitutional law."

While interning at ICJ, Mracek met with people like the attorney general and the chief of justice for Kenya. And when he told his executive director that he wanted to write a book on the Kenyan constitution, he was set up with the presiding judge of the constitutional court. "I don't even know how it ended up happening," he said. "It was terrifying. I mean, I'm a first-year law student, what the hell do I know? But there I was sitting across from the table from the presiding judge of the constitutional court of Kenya—it was great."





**Apply to anything and everything you can. The opportunity to go and experience a new culture and a different form of law enhances your ability to learn law back here.**

Through conversations with those high-profile connections, Mracek proceeded with his plan to write a casebook on the Kenyan constitution. "I didn't go there with the intention of writing a book. I initially tried doing a paper, but I found the research process incredibly frustrating," he said, explaining that there were no resources for landmark cases and finding precedent was nearly impossible.

"What I wound up doing was just creating my own document of important cases as I was researching different areas of law. That document just kept growing until some other people in the office started to use it, and then people outside of our organization started asking for it," he recalled. "Finally someone asked, 'When are you actually going to write this up and connect the dots?'"

This year, Mracek will work on writing the 250,000-word casebook along with the demanding class work required for his Juris Doctor degree. Luckily, he has some added support from faculty at the college. "The faculty have been incredibly accommodating," he said, explaining that two of the major papers he is writing for his classes

will eventually become chapters in his book. He has also had offers from faculty to help with the editing process.

Mracek plans to have the casebook, including commentaries and other materials, completed by the end of 2015. "That may be a rather naïve timeline," he admitted. "I've never written a book before, but that is my hope." When all is said and done, he'd like to go back to Nairobi and launch the book.

So how can other students on exchanges make the most of their experience like Mracek did? "I have spoken with a number of other people who have done internships and, as with so many things in life, it's what you make of it. If you think it's going to be horrible, it will be. If you go in with an open mind and an open heart, it will just blow your mind."

*Photos taken during Craig Mracek's internship with the International Commission of Jurists in Kenya (ICJ-Kenya)*

**large:** Craig (second from left) with ICJ colleagues on a camping trip

**inset:** Craig (left) with Chief Justice of the Kenyan Supreme Court Willy Mutunga and Justice Albie Sachs of SA



FEATURE:

# Ripple Effect:

The relationship between law, advocacy and the criminal justice system



**"At each of the institutions, there seems to be a ripple effect. Students have gone on to do human rights work in other areas throughout the country."**

**– Kim Pate**

*By Debora Senger*

Order of Canada recipient **Kim Pate** was appointed by the University of Saskatchewan College of Law as the Ariel F. Sallows Chair in Human Rights in June of 2014.

The Ariel F. Sallows Chair in Human Rights was the first endowed chair in human rights to be established at a law school in Canada. It resulted from an estate gift agreement with the late Ariel F. Sallows, QC, in 1979.

But the inaugural one-year appointment is just one of many firsts for Pate, an esteemed advocate for social justice. To date, she has developed and taught human rights courses at three institutions—the University of Ottawa, Dalhousie University and the University of Saskatchewan—and has seen graduate law students who took her courses obtain social justice work.

In 2006, Pate joined the University of Ottawa Faculty of Law as the inaugural Law Foundation of Ontario Community Justice Fellow. There she developed the institution's first prison law course, and together with Professor Elizabeth Sheehy, its first defending battered women on trial course.

Seven years later, Pate became the first faculty member to develop and teach an intensive prison law course at the Dalhousie University Schulich School of Law.

"At each of the institutions, there seems to be a ripple effect," said Pate. "Students have gone on to do human rights work in other areas throughout the country."

But this was not always the case, according to Pate. "Historically there was not a lot of interest in doing any kind of work in and around prisons," she said. "Although access to justice issues abound, there is very limited access to financial and other resources, such as legal aid. As a result, it is not generally considered an attractive or lucrative career for lawyers."

However, this appears to be changing. Pate noted that one of the contributing factors





for the change has been the development of human rights programs and courses for law students that are focused on providing educational and practical experiences to address the needs of women in prisons. This is evidenced by the production of the Human Rights in Action manual with, by and for women in and from federal prisons, for students in Dalhousie University (2013) and the University of Ottawa (2014) prison law courses, and for regional advocates with the Canadian Association of Elizabeth Fry Societies. Pate oversaw the development, translation and production of the manual.

"I think that prison law in particular is an area very few students get exposed to, except in some sentencing or criminal law classes," said Pate. "And yet it can impact family law, criminal law, immigration, human rights and social justice issues."

Today, students taking Pate's prison law course at the University of Saskatchewan College of Law have a similar opportunity. In addition to prison law, Pate taught human rights and social justice, contributed guest lectures, and supported undergraduate and graduate students undertaking research in human rights, criminal and social justice.

The prison law course final exam requires that students update and present a human rights primer for prisoners. They are also producing a manual developed for and delivered to Saskatchewan prisoners. The manual will be distributed in partnership with the Community Legal Services for Saskatoon Inner City (CLASSIC.)

For Dan LeBlanc, a third-year law student, the reason for taking the human rights classes offered by Pate, was primarily the instructor herself. "I wanted to meet and spend time with Kim, to learn from someone who has been struggling for justice for a long time."

In Pate's prison law class, LeBlanc worked with colleagues to create and deliver a prisoners manual to those in provincial facilities. "The requirement to speak about complex legislation and regulations in a way that most prisoners can understand was a very helpful experience. An ability to communicate across the language barriers between lawyers and historically subjugated

clients is an important skill for anyone interested in poverty law."

Another invaluable takeaway from the course for Le Blanc was the importance of "discreet advocacy tactics ... the ability to use secondary sources (such as the Arbour Commission Report) in convincing judges to advance prisoners' rights."

Judging from the national media coverage Le Blanc received for a paper he wrote on the Safer Communities and Neighbourhoods Act legislation (SCAN), applying these tactics work. "As a result of the story, Solidarity for Those in Solitary has received wider attention and following. I like to think it's also shown an example of the way problematic laws such as SCAN can be used for good purposes."

Craig Mracek, a second-year student, took Pate's human rights and social justice course. Much like his colleague, Mracek noted that Pate's teachings encouraged "introspection and critical independent thought." And if you ask Mracek, "rarely are these attributes which are encouraged in law."

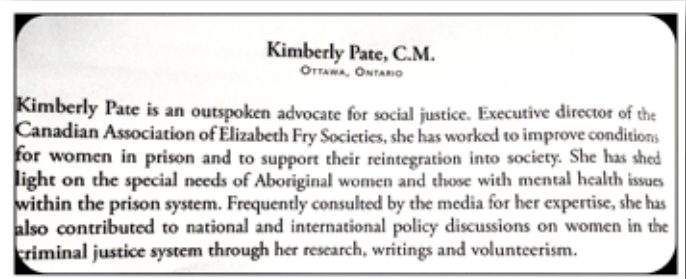
In addition to these learnings, Mracek expressed appreciation for what he explained was a deviation from standard practice. "Most formal education systems – law included – follow a prescribed format: memorize and mimic," he said. Moreover, Pate's class offered much more than the ability to reiterate "social justice platitudes. She guided us on an introductory journey through some of the most pressing social justice issues of our time."

While it may be too early to see the effect of Pate's course offerings on future generations of lawyers, LeBlanc and Mracek believe the practical learning opportunities have prepared them for legal careers.

Pate agreed. "Students are learning from prison law that the law alone won't change what happens. Often it requires the collaboration of many and the building of partnerships and coalitions to create or

inspire the pressure of public opinion, of media, or of a coalition of other groups. Learning this and how to think creatively about the many opportunities to contribute to the development of law and policy is a feature of these courses."

For Pate, satisfaction lies in knowing these law students will enter their profession "with new ideas about how to creatively challenge the law and develop new precedents for how they may contribute to and change the world."



*Citation from the Office of the Secretary to the Governor General*

Pate is currently the executive director of the Canadian Association of Elizabeth Fry Societies, a federation of autonomous societies that work with, and on behalf of, marginalized, victimized, criminalized and institutionalized women and girls throughout Canada. A lawyer and teacher by trade, she has completed post-graduate studies in the area of forensic mental health and has worked extensively with youth and men during her 30-year career in and around the Canadian legal and penal systems.

Throughout her distinguished career, Pate has received numerous awards for her work on equality and human rights as well as honorary doctorates from the University of Ottawa, Carleton University, Sir Wilfrid Laurier and St. Thomas University.

On Feb. 13 of this year, Pate was invested into the Order of Canada for "advocating on behalf of women who are marginalized, victimized or incarcerated, and for her research on women in the criminal justice system."

# Faculty publications and presentations

## PUBLICATIONS

**Clayton Bangsund**, 2015 (Accepted), PPSL Values, *Canadian Business Law Journal*.

**Clayton Bangsund**, 2014 (Published), The Deposit Account & Chose in Action at Common Law & Under the PPSA: A Historical Review, *Banking & Finance Law Review*.

**Sarah Burningham**, 2015, Courts, Challenges, and Cures: Legal Avenues for Patients with Rare Diseases to Challenge Health Care Coverage Decisions 1:1 *Canadian Journal of Comparative and Contemporary Law* 317-350.

**Patricia Hania**, "Regulating Water and War: A Dark Side of New Governance" (Summer, 2014) 21:2 *Indiana Journal of Global Legal Studies* at 453.

**Patricia Hania**, *Governing Water in Canada — Legislative Experiments in New Governance & Applying An Eco-Resiliency Governance Framework* (Ph.D. Thesis, Osgoode Hall Law School, York University, 2015).

**Sakej Henderson**, 2015 "Forward" to Sylvia McAdams (Sausewajum), *Nationhood Interrupted: Revitalizing nêhiyaw Legal Systems* (Saskatoon: Purich Press, 2015).

**Sakej Henderson**, 2015 "Forward" to Gregory Cajete, *A Pedagogy of Indigenous Community: Learning and Teaching for Sustainable Community* (St. Paul, MN: Living Justice Press, 2015).

**Sakej Henderson**, 2014 "Mi'kmaq Treaties" in Siobhan Senior, ed., *Dawnland Voices: An Anthology of Writing from Indigenous New England* (University of Nebraska Press, 2014).

**Sakej Henderson**, 2014 "Trans-systemic Constitutionalism in Indigenous Law and Knowledge", Smaro Kamboureli and Christl Verduyn, *Critical Collaborations: Indigeneity, Diaspora, and Ecology in Canadian Literary Studies* (Wilfrid Laurier University Press, 2014) at 49-68.

**Sakej Henderson**, 2015 (Accepted) "The Split Head Resistance: Using Imperial Law to Contradict Colonial Law for Aboriginal Justice" in (accepted) Elaine Coburn ed., *More Will Sing Their Way to Freedom: Indigenous Resistance and Resurgence* (Fernwood, Fall 2015 or spring 2016\*).

**Sakej Henderson**, 2015 (accepted) "Alex Denny and the Mi'kmaq Treaties" in *Humanizing the Treaties in development* (Cape Breton Press, 2015\*).

**Sakej Henderson**, 2015 (accepted) "Lnu'uk Civilization" in Marie Battiste, ed., *Mi'kmaq Humanity*, in development Cape Breton Press, 2016\*).

**John C. Kleefeld**, "Facets of Fairness: *Kidd v Canada Life Assurance Company* and the Approval of Class Action Settlements" (2015) 10 *Canadian Class Action Review* 33-80.

**John C. Kleefeld**, "Facets of Fairness: *Kidd v Canada Life Assurance Company* and the Approval of Class Action Settlements" (2015) 10 *Canadian Class Action Review* 33-80.

Craig Moore, Keith Barron, **Glen Luther** and J. Stephen Wormith, 2015. "Process Evaluation of the Saskatoon Mental Health Strategy (MHS)", Centre for Forensic Behavioural Sciences and Justice Studies, University of Saskatchewan, available at: [http://www.usask.ca/cfbsjs/research/publications\\_reports.php](http://www.usask.ca/cfbsjs/research/publications_reports.php)

**Dwight Newman**, 2014, Accepted and Published, Speech of Mr. D. Newman of the University of Saskatchewan, Canada, Concerning Indigenous Rights of Consultation in the Arctic, in *International Conference: Topical Problems of Sustainable Development and Security Maintenance in the Arctic* (Moscow, 2014), 110-113 (English-language and Russian-language versions).

**Dwight Newman**, 2014, Accepted and Published, The End Is Not Nigh: Reason Over Alarmism in Analysing the *Tsilhqot'in* Decision (co-authored with Ken Coates), *Macdonald-Laurier Institute Papers Series*.

**Dwight Newman**, 2014, Accepted and Published, Corporate Stakeholder Effects on International Law Norms of Consultation with Indigenous Communities, in Nicoale Irina & Christoph Stuckelberger, eds., *Mining Ethics and Sustainability* (Geneva: Globethics.net, 2014).

**Dwight Newman**, 2014, Accepted and Published, Why Some Versions of "Social Licence" Are Unlicensed and May Be Anti-Social, *Macdonald-Laurier Institute Commentary*.

**Dwight Newman**, 2014, Accepted, Application of the Charter to Universities' Limitation of Expression, *Revue de droit de l'université de Sherbrooke*.

**Dwight Newman**, 2014, Accepted, International Law Norms of Consultation with Indigenous Communities and Their Significance for Corporate Stakeholders, *CIM [Canadian Institute of Mining] Journal*.

**Dwight Newman**, 2015, Accepted, Emerging Challenges on Consultation with Indigenous Communities in the Canadian Provincial North, *Northern Review*.

**Doug Surtees**, *Discrimination* Chapter 35 (447-457) in *Dementia: Law and Ethics* Israel Doran, Jonathan Herring and Charles Foster eds., (Oxford and Portland, Oregon: Hart Publishers, 2014).

**Doug Surtees**, *Constructing Incapacity: Deconstructing Capacity* Chapter 19 (273-284) in *Comparative Perspectives on Adult Guardianship* Kim Dayton ed., (Durham, N.C.: Carolina Academic Press, 2014).

**Barbara von Tigerstrom**, 2015 (Accepted). Revising the regulation of stem cell-based therapies: critical assessment of potential models. *Food and Drug Law Journal*.

**S. Gibson & Barbara von Tigerstrom**, 2015 (Accepted). Orphan Drug Incentives in the Pharmacogenomics Context: Policy Responses in the U.S. and Canada. *Journal of Law and the Biosciences*.

**Barbara von Tigerstrom**, 2015. Human tissue legislation and a new medical paradigm: governing tissue engineering in Canada. *McGill Journal of Law and Health*, 8(2): S1-S56.

Duggan, S. Ben-Ishai, J. Sarra, T. Telfer & **Roderick Wood**, *Canadian Bankruptcy and Insolvency Law*, (Toronto: Emond Montgomery, 2014).

**Roderick Wood**, "Direct Payment Clauses and the Fraud upon the Bankruptcy Law Principle: *Re Horizon Earthworks Ltd. (Bankrupt)*" (2014), 52 *Alberta Law Review* 171.

**Roderick Wood**, "Supplementing PPSA Priorities: The Use and Abuse of Common Law and Equitable Principles", (2014) 56 *Canadian Business Law Journal* 31.

## PRESENTATIONS

**Sakej Henderson**, March 23, 2015. Generation Honourable Governance in the 21st Century, Aboriginal Public Service Executive Series, English River First Nation.

**Sakej Henderson**, March 12, 2015. Honouring Agreements, Indigenous Voices, University of Saskatchewan.

**Sakej Henderson**, February 27, 2015. Mi'kmaq Treaty Education, Nova Scotia Tripartite Committee, Membertou First Nations.

**Sakej Henderson**, February 4, 2015. The Legislative Attempt to Discount First Nations Sovereignty and Treaty Governance: Case Study on Administrative Evil", Inherent Right to Indigenous Governance Revitalizing Aboriginal Nationhood Program Series Banff Management Centre.

**Sakej Henderson**, February 6, 2015 Treaty Federalism and Honourable governance, Inherent Right to Indigenous Governance Revitalizing Aboriginal Nationhood Program Series Banff Management Centre.

**Sakej Henderson**, November 24, 2014 "Treaty Federalism" in Political Science 809 404.

**Sakej Henderson**, November 23, 2014 "MotherTongues. How does Language Shape Legal Space" at Stronger than Stone: (re) Inventing the Indigenous Monument Conference.

**Sakej Henderson**, November 4, 2014 "Commentary on John Ralston Saul, *The Comeback*," University Club.

**Glen Luther**, "Mentally-ill Accused in the Courtroom: Legal and Process issues", an online Program for the National Judicial Institute. A five week online program scheduled from January 12 to February 13, 2015 and was national Program for Training Judges about the topic and included preparation of materials.

**Dwight Newman**, October 29, 2014, Developing Policy on the Duty to Consult, Calgary Chamber of Commerce Aboriginal Opportunities Committee, Calgary.

**Dwight Newman**, November 7, 2014, A Comparative Law Perspective on Collective Action Federalism, Loyola Constitutional Law Colloquium, Chicago.

**Dwight Newman**, November 8, 2014, The Under-Recognized Potential of General Principles of International Law, American Society of International Law Mid-Year Meeting, Chicago.

**Dwight Newman**, November 17, 2014, Aboriginal Canada and the Natural Resource Economy (co-presented discussion with mix of remarks from Ken Coates, Brian Lee Crowley, Ovide Mercredi, and Dwight Newman), Saskatoon Chamber of Commerce / Saskatoon Delta, Saskatoon.

**Dwight Newman**, January 9, 2015, Implications of the Duty to Consult for a Municipal Government, City of Saskatoon Senior Management Team Meeting, Saskatoon.

**Dwight Newman**, January 17, 2015, A Critique of Proportionality Analysis, Canadian Constitution Foundation Conference, Toronto.

*Dwight Newman*, January 24, 2015, Guest at local Aboriginal women's book club discussing Dwight Newman, *Revisiting the Duty to Consult with Aboriginal Peoples* (2014), Saskatoon.





## Faculty notes

**Dwight Newman**, January 28, 2015, *The Tsilhqot'in Decision: Implications for Development*, British Columbia Power Symposium, Vancouver.

**Dwight Newman**, February 6, 2015, *Aboriginal Law Update* (co-presented with Mitch McAdam), CBA Saskatchewan Midwinter Meeting, Saskatoon.

**Dwight Newman**, February 10, 2015, *Opportunities for Indigenous Rights Research Collaboration*, FSIN (Federation of Saskatchewan Indians) Justice Directors Meeting, Saskatoon.

**Dwight Newman**, March 5, 2015, *Aboriginal Law Uncertainty: Implications for Energy*, Ivey Business School / University of Ottawa Positive Energy Conference, Ottawa.

**Dwight Newman**, March 7, 2015, *The Supreme Court of Canada: Policy-Maker of the Year?*, Manning Networking Conference, Ottawa.

**Dwight Newman**, March 11, 2015, *Generating Business Opportunities from the Duty to Consult*, Mini-LLB for Aboriginal Leadership Conference, Calgary.

**Dwight Newman**, March 12, 2015, *Natural Resource Development Implications of the Tsilhqot'in Decision*, University of Alberta Faculty Seminar, Edmonton.

**Doug Surtees**, February 6, 2015 (2:00-3:15) Title: 'Assessing Capacity & Competence', co-presenter Dr. Lilian Thorpe, (presentation to approximately 55 attendees of Canadian Bar Association (Saskatchewan Branch) Mid-Winter Meeting, Delta Bessborough, Saskatoon.

**Barbara von Tigerstrom**, November 6, 2014. *Involvement of Patients and Patient Organizations in Orphan Drug Regulation. Driving Regenerative Medicine to the Market and Clinic: An Exploration of Enablers, Impediments, and Ethical-Legal Challenges*, Toronto, Ontario.

**Roderick Wood**, October 1, 2014. *The Anti-Deprivation Rule and the Pari Passu Principle*. Canadian Bar Association, Saskatchewan Branch, Bankruptcy Section, Saskatoon, SK.

**Roderick Wood**, December 1, 2014. *Recent Developments in Bankruptcy and Insolvency Law*, Court of Queen's Bench for Saskatchewan Education Seminar, Saskatoon, SK.

**Roderick Wood**, February 25, 2015. *Recent Legislative Developments in Secured Transactions Law*, Canadian Bar Association, Saskatchewan Branch, Business Law North Section, Saskatoon, SK.

**Roderick Wood**, March 2, 2015. *Commercial Law at the Crossroads*, Estey Lecture in Business Law, College of Law, University of Saskatchewan, Saskatoon, SK.

**Roderick Wood**, March 13, 2015. *Commercial Law Reform in Canada*, Business Law Agenda Panel Consultation, Ontario Minister of Government and Consumer Services, Toronto, ON (via webinar).

Research Director **Sakej Henderson** was awarded as a Fellow of South African Research Chair in Development Education, University of South Africa.

Effective July 1, 2015, Professor **Glen Luther** will be granted full professor status.

Professors **Glen Luther** and **Mansfield Mela** were awarded the Provost's Prize for Innovative Practice in Collaborative Teaching and Learning in November 2014.

Effective July 1, 2015, Assistant Professor **John Kleefeld** will obtain tenure and be promoted to the rank of associate professor.

Effective July 1, 2015, Assistant Professor **Robin Hansen** will obtain tenure and be promoted to the rank of associate professor.

Effective July 1, 2015, Assistant Professor **Ibironke Odumosu-Ayanu** will obtain tenure and be promoted to the rank of associate professor.

Effective July 1, 2015, Assistant Professor **Heather Heavin** will be promoted to the rank of associate professor.

Professor **Dwight Newman** was awarded in December 2014 project support from a Mitacs Globalink Research Internship to supervise a visiting research student from Mexico during summer 2015, with the student participating in his research project on "Customary International Law Norms on Indigenous Rights in Comparative Case Law".

Professor **Dwight Newman** has joined the International Law Association (ILA) Committee on the Implementation of the Rights of Indigenous Peoples and attended the committee's first meeting in the Hague in February 2015.

Professor **Dwight Newman** was awarded in February 2015 a Lone Mountain Fellowship by the Property and Environment Research Center and will visit there in the second half of June 2015 to work on a project on "The Post-Tsilhqot'in Characteristics of Aboriginal Title".

Professor **Dwight Newman** was awarded in February 2015 a Residential Visiting Fellowship by the James Madison Program in the Princeton Department of Politics and will spend his sabbatical year from September 2015 to June 2016 primarily at Princeton, working part-time on a project on "Conservative Theory and Indigenous Rights".

Professor **Dwight Newman** was named Senior Fellow at Macdonald-Laurier Institute in November 2014.

Professor **Dwight Newman** was awarded a CBC Future 40 recognition in March 2015.

Assistant Professor **Ibironke Odumosu-Ayanu** was awarded a Social Sciences and Humanities Research Council (SSHRC) Insight Development Grant worth \$71,305 for her project entitled "Local Communities and Transnational Oil and Gas Contracts in West and Central Africa."

Ariel F. Sallows Chair in Human Rights **Kim Pate, CM**, received an honorary doctorate from The Law Society on Sept. 19, 2014.

## Book Launch

### *The Land is Everything: Treaty Land Entitlement* launched

**Published by** Office of the Treaty Commissioner

**Edited by** Tasha Hubbard, Assistant Professor in the Department of English and Marilyn Poitras, Assistant Professor at the College of Law, U of S.

Hardcover 176 pgs., Published: 2014  
ISBN: 978-0-9938165-0-5, \$39.95

*The Land is Everything: Treaty Land Entitlement* provides a wide range of perspectives on the complex history that led to the Treaty Land Entitlement Framework Agreement, signed at Wanuskewin Heritage Park in 1992. The TLEFA set out terms whereby 33 First Nations in Saskatchewan were able to purchase land in fulfillment of a long-standing shortfall. The book weaves together perspectives on Treaties, TLE, and TLE legacies from Elders, leaders, academics, youth and artists.

<http://www.mcnallyrobinson.com>



## College of Law faculty receive Order of Canada at investiture ceremony

The Order of Canada was created in 1967, during Canada's centennial year, to recognize outstanding achievement, dedication to the community and service to the nation. Since its creation, more than 6,000 people from all sectors of society have been invested into the Order.

On Feb. 13, College of Law Ariel F. Sallows Chair in Human Rights **Kim Pate, CM**, was presented with the honour of Officer of the Order of Canada at an investiture ceremony at Rideau Hall in Ottawa.

*Kimberly Pate is an outspoken advocate for social justice. Executive director of the Canadian Association of Elizabeth Fry Societies, she has worked to improve conditions for women in prison and to support their reintegration into society. She has shed light on the special needs of Aboriginal women and those with mental health issues within the prison system. Frequently consulted by the media for her expertise, she has also contributed to national and international policy discussions on women in the criminal justice system through her research, writings and volunteerism.*

– Citation from the Office of the Secretary to the Governor General



Kim Pate, CM, (left) receives the Order of Canada from His Excellency the Right Honourable David Johnston Governor General of Canada. Photo credit: MCpl Vincent Carboneau, Rideau Hall ©Her Majesty The Queen in Right of Canada represented by the Office of the Secretary to the Governor General (OSGG), 2015. Reproduced with permission of the OSGG, 2015.



Member insignia of the Order of Canada

On Nov. 21, former College of Law dean and Prof. Emeritus Dan Ish, OC, QC, was presented with the honour of Officer of the Order of Canada at an investiture ceremony at Rideau Hall in Ottawa.

*Daniel Ish has contributed to the advancement of social justice in Canada. Professor Emeritus and former dean of law at the University of Saskatchewan, he is highly regarded for his work as an educator, mediator and arbitrator, notably in the field of labour law. In addition, as Chief Adjudicator of the Indian Residential Schools Adjudication Secretariat, he created a process with integrity that provides a supportive environment for former students of the school system. His efforts have helped bring redress to numerous First Nations individuals and their families.*

– Citation from the Office of the Secretary to the Governor General



Dan Ish, OC, QC, (left) receives the Order of Canada from His Excellency the Right Honourable David Johnston Governor General of Canada. Credit: Sgt Ronald Duchesne



## Brad Berg and Brian Rolfes LGBT Rights Scholarship recipient announced

On March 30, the College of Law announced that the following student was the recipient of the 2015 Brad Berg and Brian Rolfes LGBT Rights Scholarship:

**Desiree Lalonde** (University of Saskatchewan College of Law)

The Brad Berg and Brian Rolfes LGBT Rights scholarship provides one award of \$2000 each year to a law student entering his/her second or third year at the University of Saskatchewan.

The scholarship recognizes students' exemplary commitment to the pursuit of LGBT rights through their program of study or outreach activities in the greater community. It is the first scholarship offered at the U of S which invites applicants to self-declare as LGBT persons.

*"It is always an honour to have your accomplishments celebrated by winning a scholarship. The "Brad Berg and Brian Rolfes LGBT Rights Scholarship" is especially meaningful for me. This past year I wrote a paper on LGBT diversity in the legal profession and discovered the importance of not just promoting LGBT diversity to "fill diversity quotas", but of celebrating this diversity in the legal profession. This scholarship is therefore meaningful because it promotes much needed action for LGBT rights, and especially because it is a celebration of diversity. Being involved in furthering LGBT rights is how I celebrate my diversity. I am so grateful that Mr. Berg, Mr. Rolfes, and others, are celebrating with me."*

Desiree Lalond



## College of Law alumnus honoured with 2015 Alumni of Influence Award

**Scott Banda, BA'86, LLB'90**, was honoured at the 6th Annual College of Arts & Science Alumni of Influence Dean's Gala & Award Ceremony on Friday, March 13, 2015 at TCU Place in Saskatoon. Ten new recipients were recognized at that time.

Scott Banda is the CEO of Federated Co-operatives Limited (FCL), Saskatchewan's largest company and Canada's largest non-financial services co-operative.

Read more about Scott Banda at <http://artsandscience.usask.ca/alumni/alumni.php>

## Alumni Notes

**Jo-anne Alexander (LLB'90)** was named one of Canada's Most Powerful Women by the Women's Executive Network for 2014.

**Scott Banda (BA'86, LLB'90)** received the 2015 College of Arts and Science Alumni of Influence Award Friday, March 13, 2015.

**Carol Zanon (MSc'61, LLB'95)** was reelected to city council of West Kelowna, BC (incorporated 2007) for a fourth consecutive term on November 15, 2014.

**Clare Beckton (LLB'74)** self-published a book titled *Own it, Your Success, Your Future, Your Life*.

**Merlis Belsher (BComm'57, LLB'63)** received the 2014 University of Saskatchewan Alumni Association Achievement award for his dedicated service and philanthropy to the University of Saskatchewan.

**Leanne Bellegarde (LLB'91)** received the 2014 University of Saskatchewan Alumni Association Achievement award for her leadership in advancing Aboriginal partnerships.

**Janine Harding (LLB'02)** was named Co-coach of the Huskie Athletics women's soccer program in 2014.

**Michele Hollins, QC, (LLB'92)** was appointed as the new national President of the Canadian Bar Association (CBA) in August 2014.

**Tiffany Paulson (BA'96, LLB'98)** was named "Best Lawyer" in Planet 5 Magazine's Best of Saskatoon for 2014.

**Gregroy Walen (BA'80, JD'80)** received the 2015 Distinguished Service award from the Saskatchewan Branch of the Canadian Bar Association.

The following 14 University of Saskatchewan College of Law alumni from Saskatchewan were honoured with **Queen's Counsel** appointments in December 2014:

**Brent Barilla (BA'86, LLB'89)**

**Barry Bridges (BED'71, JD'73)**

**Linda Christensen (BA'88, LLB'91)**

**Colin Clackson (BA'80, LLB'83)**

**Mary Donlevy-Konkin (BA'82, LLB'85)**

**Conrad Hadubiak (JD'89)**

**James Kerby (BComm'81, JD'84)**

**Douglas Kosloski (BA'88, BComm'90, JD'93)**

**Deron Kuski (BADMIN'94, LLB'97)**

**Diana Lee (JD'81)**

**Patricia Quaroni (JD'87)**

**W. Dean Sinclair (LLB'80)**

**David Stack (BA'95, LLB'99)**

**Gail Wartman (BA'77, JD'78)**

**Submissions:** Send your news for our Alumni Notes column to [law\\_ofnote@usask.ca](mailto:law_ofnote@usask.ca).

## Alumni Notes

### Call to donors to confirm contact information

Please ensure your contact information is correct. Visit [law.usask.ca/give/Our-Donors.php](http://law.usask.ca/give/Our-Donors.php)

If you see any errors or omissions, please inform new Major Gifts Officer Megan Cantwell at [megan.cantwell@usask.ca](mailto:megan.cantwell@usask.ca)

FEATURE:

# Rewarding Diversity:

## Brad Berg and Brian Rolfes establish LGBT Rights Scholarship at the College of Law

By Sarah Trefiak

When Brad Berg and Brian Rolfes discovered that there was no scholarship at the University of Saskatchewan that specifically recognized students for their involvement in advancing LGBT (lesbian, gay, bisexual and transgender) rights, they decided to do something about it.

The pair have committed \$25,000 over four years to fund the new Brad Berg and Brian Rolfes LGBT Rights Scholarship, which aims to recognize students' exemplary commitment to the pursuit of LGBT rights through their program of study or outreach activities in the greater community.

While there are currently two awards offered at the U of S which provide funds to students researching or studying the topic of LGBT rights, theirs is the first where the selection committee invites applicants to self-declare as LGBT persons. "It was surprising to us that this was the first scholarship of its kind," said Berg, who, along with his husband, Brian Rolfes, is proud to be able to make this contribution, having experienced first-hand the difficulties LGBT persons may face while pursuing an education and establishing a career.

Berg, who grew up in Meadow Lake, completed his commerce and law degrees from the University of Saskatchewan before clerking at the Saskatchewan Court of Appeal in 1993. It was there that he met

fellow College of Law alumnus, Brian Rolfes, who had completed a Rhodes Scholarship at Oxford before returning to Saskatchewan to clerk.

It wasn't until they began their relationship that Berg and Rolfes felt they were ready to tell their family and friends that they were gay. This was especially true for Berg, who grew up in a smaller community. "I think it is still very difficult to come out if you grow up outside of the cities and that is one of the reasons why we really wanted to create this scholarship at home, in Saskatchewan."

While both acknowledge that over the years it has become less difficult to come out, neither felt that they were ready to do so during their time at the College of Law. "In the late 1980s and early 1990s, whenever anything related to gays or LGBT came up on campus, it was always portrayed as negative," said Berg.

"I think that when we were both at the College of Law, it would have been great to have a few more role models and more

visibility on the topic, so hopefully this scholarship, in some way, will help do that," added Rolfes.

The Toronto duo hopes that their new award will encourage not only LGBT students to share their commitment to LGBT rights, but non-LGBT students, as well.

"All of the data indicate that peoples' views on LGBT rights change fundamentally when they know someone who is LGBT. So anything we can do to allow people to be who they are is a good thing," said Rolfes, emphasizing that the award is also open to LGBT allies. "That is how the world will change. One, because individuals come out, and two, because straight friends and family will say 'no, this isn't fair' or 'I am going to change attitudes on LGBT issues too.'"

The award they have created at the U of S is only one example of what Berg and Rolfes have done to further the advancement of LGBT rights. Both men have become heavily involved in promoting and understanding LGBT rights in their workplaces and the larger Toronto community.

Rolfes, a global recruiting partner with McKinsey & Company, was instrumental in founding GLAM, a group of over 300 members and 700 allies which was created to foster a positive environment for LGBT employees at the company and attract more talented LGBT members to the McKinsey community. He was also chair of the board for the largely LGBT Metropolitan Community Church of Toronto for eight years, including the period over which church successfully litigated to have same-sex marriages recognized in Canada.

Berg, who is a partner and litigation practice group leader at Blake, Cassels & Graydon LLP, has been a board member of Family Services Toronto, a volunteer at AIDS Committee of Toronto and has served on the executive of the Advocates' Society. Like Rolfes did at McKinsey, Berg helped to found a network at Blakes called Pride@Blakes to support LGBT employees and create better connections with their LGBT clients.

"Both Brad and I are very fortunate to live in Toronto and work with large organizations that are LGBT-inclusive and welcoming. We



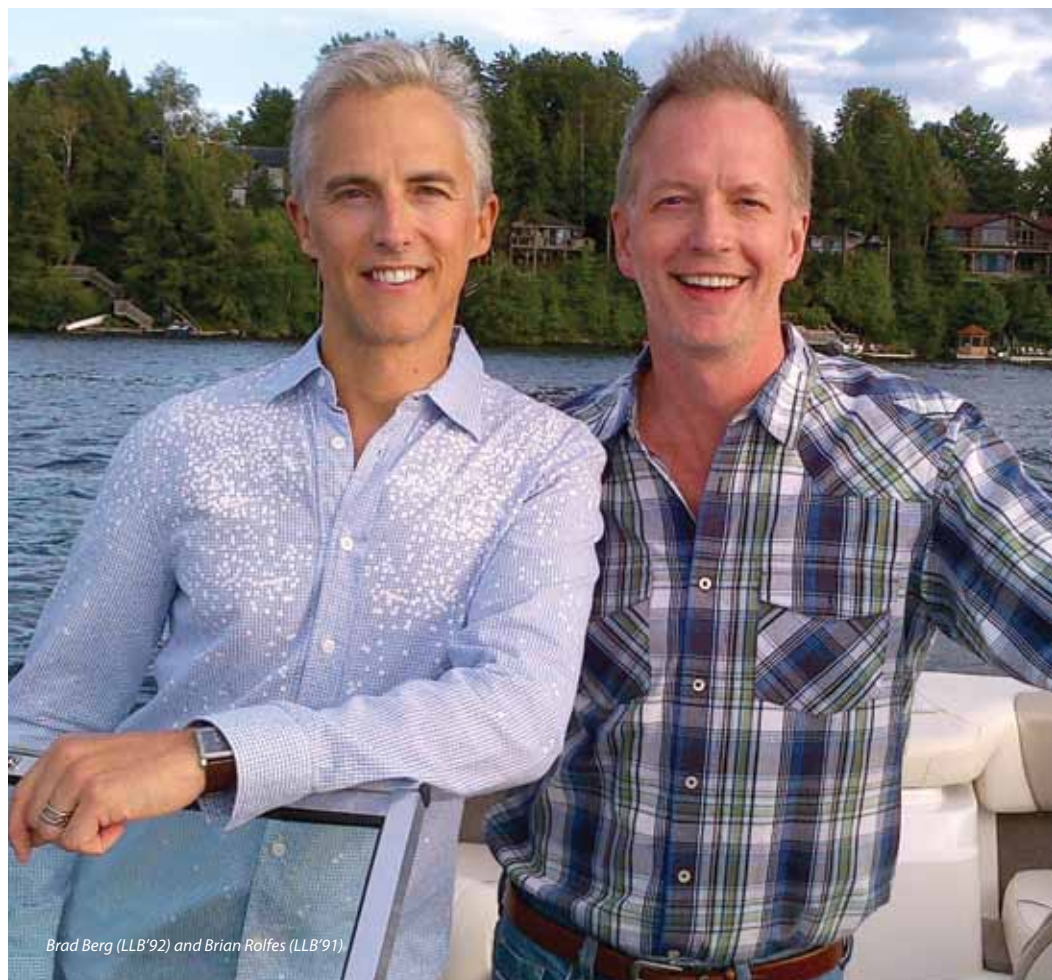
**"Both Brad and I are very fortunate to live in Toronto and work with large organizations that are LGBT-inclusive and welcoming. We have been a part of the leadership at our respective firms, something that is truly valued by us," said Rolfes. "We are proud of these contributions, and of this new scholarship."**

have been a part of the leadership at our respective firms, something that is truly valued by us," said Rolfes. "We are proud of these contributions, and of this new scholarship."

While Berg and Rolfes have found success in their careers, their rise to the top hasn't been without struggle. "When I came out in 1993, I didn't encounter very much of what I would call hostility or opposition, but there was a fair degree of education needed about LGBT issues. It took a while for our families and friends to understand what it all meant," said Berg.

They both admit that they have also faced discrimination based on their sexual orientation, but they haven't let it affect their careers. "There have been incidents along the way," admitted Berg. "When I was a graduate student at the University of Toronto, my office door was spray-painted with the words 'kill fags' and there have been small incidents like that, but nothing that we believe has held us back."

The two Toronto professionals have advice for LGBT law students and alumni. "My advice is if you can, then you should be out," said Berg. "I think you will present as a more authentic, fully-formed, contributing person when you go into a job interview, look for a promotion or pitch to a client. It's just an overwhelmingly far healthier space to be in." But Berg understands not everyone is ready for that, so he puts a caveat on his advice. "I



Brad Berg (LLB'92) and Brian Rolfes (LLB'91)

always say if you are ready to come out, then do it."

Rolfes agreed. "If employers are going to discount your application because you are gay, you don't want to be a part of that organization anyway. They are going to be on the losing side of history."

Speaking from a human resources perspective, Rolfes knows that the war for talent is on. "Increasingly, employers are realizing that talent comes in all shapes and sizes, all genders and orientations. Those organizations that can truly be inclusive, in the long run, are going to be the winning firms." He added, "The best employers look at the 'full-self' of the candidate in front of them and say, 'This is someone we can celebrate as a leader in this community or for that project—that's the kind of person we want as a future partner or leader around here.'"

Both because they hope to improve the experience of LGBT students pursuing their education in the College of Law and because of their own experience at the U of S, Rolfes and Berg could think of no better place to establish a scholarship. They are extremely grateful for having started both their legal paths, as well as their married life, at this university.

"Brian and I got married in March 1998 in the United Church at St. Andrew's Chapel on campus with 130 family and friends in attendance," said Berg. "Gay marriage didn't become legal until 2003, so having our wedding ceremony on campus in 1998 is just another reason we really wanted to create this scholarship at the U of S."

"The University of Saskatchewan will always be—in a very special way—our home university," added Rolfes.

FEATURE:

# University of Saskatchewan president emeritus launches book

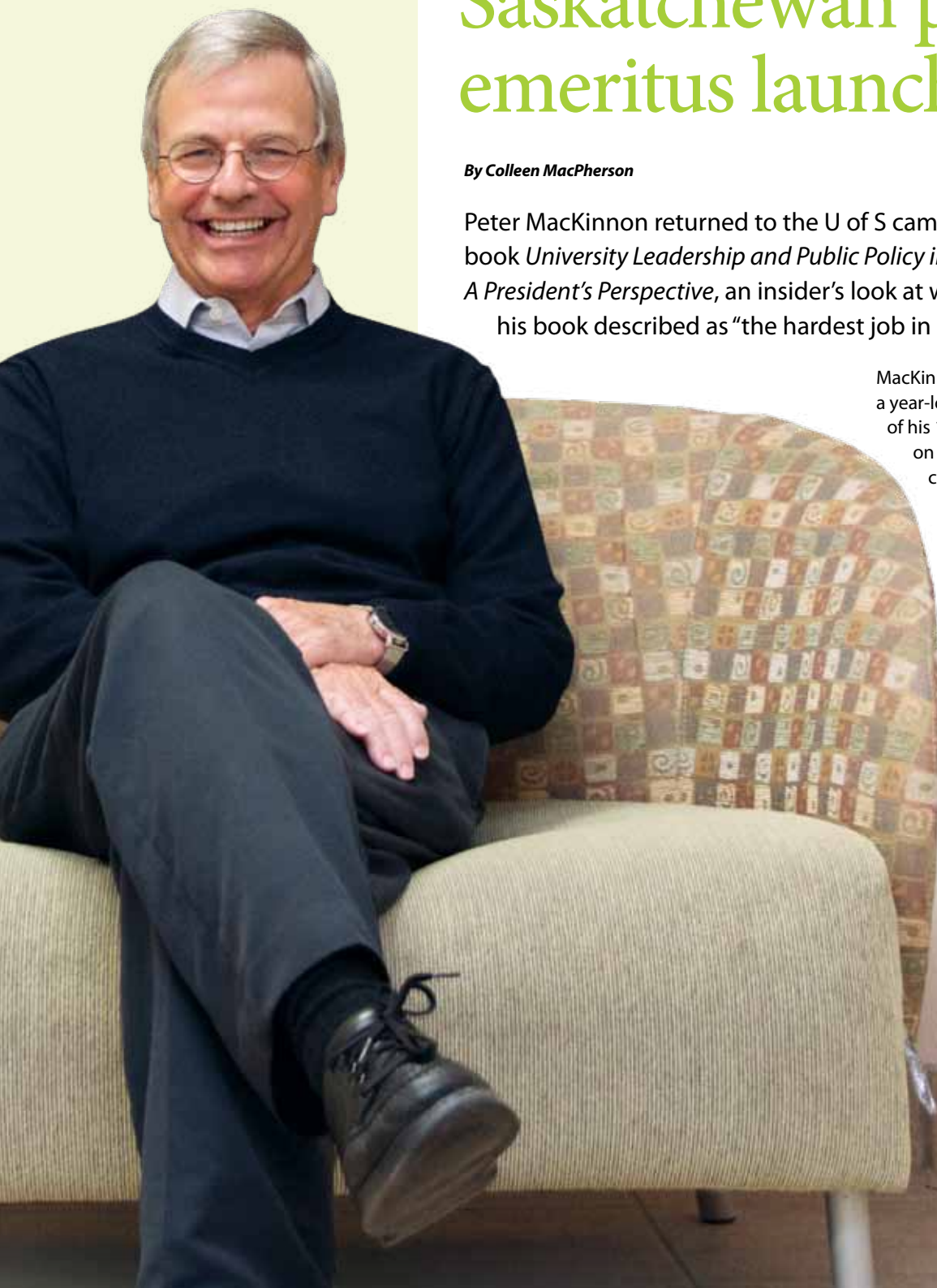
By Colleen MacPherson

Peter MacKinnon returned to the U of S campus Jan. 20 to launch his book *University Leadership and Public Policy in the Twenty-First Century: A President's Perspective*, an insider's look at what one writer quoted in his book described as "the hardest job in modern society."

MacKinnon, who wrote the book while on a year-long administrative leave at the end of his 13-year term as president, draws on his own experiences to make a case for rethinking public policy around universities on several fronts, among them relationships with both federal and provincial governments, tuition, partnerships, collective bargaining and its impact on governance, and science and innovation.

"If I was true to what I wanted to do, the book is written for anyone interested in policy," said MacKinnon in an interview with *On Campus News*. They include faculty, staff and administrators at universities, people in government and even the general public. "I tried to write a readable book."

Throughout the volume, MacKinnon explores major issues like tenure, the importance of collective advocacy through





organizations such as the U15, the value of planning and vision, and growing global competition for academic talent.

But an overarching theme is the tendency of universities to be path dependent, “a fairly simple idea that an established path is easy to follow,” said MacKinnon, who is currently interim president of Athabasca University. Established paths have momentum, he continued, but simply following along can make it difficult to produce change within institutions.

**“Established paths have momentum, but simply following along can make it difficult to produce change within institutions.”**

While his experiences at the U of S provided starting points for policy discussions, MacKinnon attempted to shape the discussions in ways that would resonate with others across the country, acknowledging that Canada’s 97 universities are “all different in significant ways.”

The book also looks at the reasons for “the unprecedented high numbers of dismissals or pressured exits” of Canadian university presidents. A contributing factor to precarious presidencies, wrote MacKinnon, is that the office holders are held accountable for results “over which they have little control.”

Included in this chapter, entitled “Leadership with an Asterisk”, are discussions of presidential searches, timing of presidencies and the building of administrative teams where MacKinnon suggested the recovery of presidential authority over senior appointments is an area in need of attention. The chapter and the book, save for the Afterword, end with a recounting of the events of May 2014 which saw the resignation of the provost

and the dismissal of the president at the University of Saskatchewan.

Those events occurred after the book was complete but before its publication, he explained. In consultation with University of Toronto Press, MacKinnon decided to include some detail about what transpired, as it was “very relevant to the chapter.”

MacKinnon emphasized in the book that finding policy solutions requires first asking the right policy questions such as how to sort out the current state of divided jurisdiction between Ottawa and provincial capitals in post-secondary education and research.

Universities must capitalize on their advantages, not rest on them, if they are to succeed, but universities cannot do it alone. MacKinnon states in the book that a number of communities, government being one, must share in the effort to ensure universities are the best they can be. “In short, we all need to get our act together.”

Looking back over the book’s content, MacKinnon said if he could ensure one policy change out of all those discussed, it would be to see government “take a more thorough and informed interest in our universities than they have to date.

“When governments turn their attention to the university, it’s usually about controlling or regulating tuition. What is required ... is informed, careful and deliberate discussions.”

## In Memoriam

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

**Darrall Stanley Collins, JD, QC, CD**  
(JD’49), January 18, 2015

**Donna Nagus** University of Saskatchewan Law Library Technician, February 2015

## Staff News



**Megan Cantwell** joined the College of Law on Nov. 17, 2014 as the new major gifts officer. Prior to joining the college, Megan worked at the Western College of Veterinary Medicine as the Development

Officer, Leadership & Class Giving for two years and the UFA Co-operative Limited, as Community Investment Coordinator for three years. She obtained her Bachelor of Public Relations from Mount Saint Vincent University. Originally from Calgary, the transition to fundraising from corporate giving comes naturally to Megan. “When I build a strong relationship with a donor I become a part of helping them build their legacy... it’s very personal. I enjoy learning about their history and passions, and aligning those things to create a very meaningful and impactful gift.”



**Debora Senger** joined the College of Law on Dec. 2, 2014 as the Communications and Alumni Relations Officer. Debora is replacing Sarah Trefiak while she is away on maternity leave. Prior

to joining the College, Debora worked for the University of Saskatchewan College of Dentistry as the Alumni and Stewardship Officer, and the International Student and Study Abroad Center as a Study Abroad Advisor and a Student Engagement Coordinator for four years. She also worked for the United Nations Development Program in Vietnam as a Research Fellow, and the non-profit sector, nationally and internationally, as a Communications and Development Officer and Event Coordinator for more than seven years. In addition, she worked as a Photographer/Reporter for the *Canmore Leader* newspaper for two years. She obtained her Photojournalism Diploma, Bachelor of Communications Studies degree and Project Management Certificate in Alberta. Years later, she returned home to Saskatoon and completed her Master of Public Administration degree at the University of Saskatchewan Johnson-Shoyama Graduate School of Public Policy. If you ask Debora, the position “offers a wonderful blend of communications, donor relations, event management, administration, and the law – it’s a perfect fit.”

# OF NOTE

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