

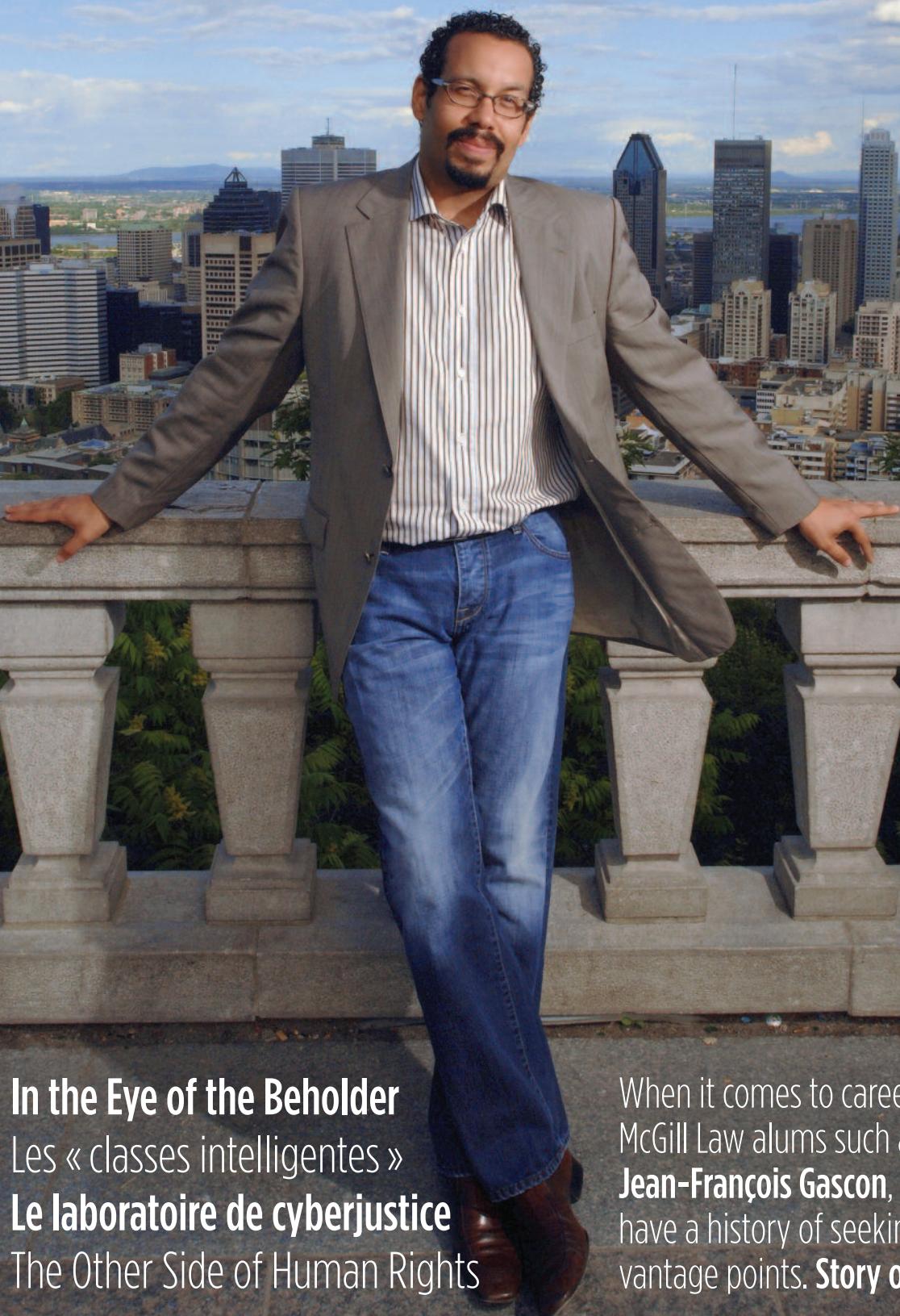
in Focus

McGill



LAW,
UNLIMITED

DROIT :
ILLIMITÉ



Faculty
of Law
Fall 2010

Faculté
de droit
Automne
2010

In the Eye of the Beholder
Les « classes intelligentes »
Le laboratoire de cyberjustice
The Other Side of Human Rights

When it comes to career paths, McGill Law alums such as **Jean-François Gascon**, BCL'00, LLB'00, have a history of seeking out new vantage points. **Story on page 10**

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En couverture
Jean-François Gascon, VP
Développement des capacités
chez SNC-Lavalin, est parmi
les diplômés en vedette dans
Law, Unlimited (page 10),
notre article qui explore
comment une formation en
droit peut mener à des
cheminements de carrière des
plus diversifiés. Monsieur
Gascon a d'ailleurs reçu le prix
Jeune leader sans frontières
du Québec dans le cadre
du Concours ARISTA 2010.
Photo par John Morstad

UNE REVUE DE PAPIER ET D'ÉLECTRONS RECYCLÉS

À 100 %. L'an dernier, nous avons innové en imprimant la revue *inFocus* sur du papier de fibre certifiée 100 % recyclée postconsommateur avec des encres végétales écologiques. Votre réaction a été très positive et nous avons donc décidé de continuer dans cette foulée. Cette année, nous allons plus loin. Vous remarquerez que la revue a suivi une cure d'amaigrissement, passant de 40



pages à 24. Ceci nous a permis de réduire notre consommation de papier et de ressources.

Mais nous n'avons rien perdu en contenu, car notre pendant électronique, ***inFocus online***, vous propose régulièrement nouvelles, articles et éditoriaux tout frais. Pointez votre fureteur sur publications.mcgill.ca/droit ou abonnez-vous à notre fil de nouvelles RSS à publications.mcgill.ca/droit/feed pour rester dans le coup.



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<http://twitter.com/LAWMcGill>

Fresh news from McGill Law

Visit ***inFocus online*** for more features, news and photos from McGill Law

<http://publications.mcgill.ca/droit>

Homecoming 2010

Thursday, September 30 to Sunday, October 3, 2010

The Faculty will mark this year's Homecoming with the following:

Dean's Breakfast

Friday, October 1, 8-10 am, in the Common Room, Old Chancellor Day Hall

41st Annual Montreal Leacock Lunch

Friday, October 1, 11:30 am-2 pm, at the Hilton Montreal Bonaventure Hotel

Reunions for the classes of '55, '60, '65, '90 and '95

For more information on class reunions, visit

www.mcgill.ca/law/alumni

Planning a Reunion?

Next year, McGill will be celebrating reunions for class years 1 and 6.

If you are interested in volunteering for your class reunion,

Maria Marcheschi, Special Events & Alumni Relations Administrator,
is here to help.

For more information, you can reach Maria at **514-398-1435**,
or maria.marcheschi@mcgill.ca

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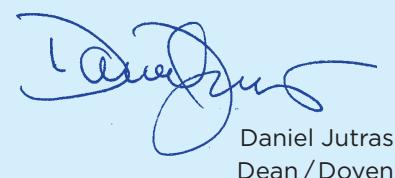


La thématique de ce numéro du magazine *inFocus* évoque pour moi les matches de la Ligue Nationale d'Improvisation auxquels j'avais l'habitude d'assister il y a déjà longtemps. Avant chaque improvisation, l'arbitre tirait une carte au hasard et la lisait d'une voix forte : « Pour une improvisation comparée! Nombre de joueurs : *Illimité!* Catégorie : *Libre!!* Durée : *Quatre minutes!!!* » Les thèmes proposés au hasard étaient tous plus fous les uns que les autres et le talent de ces artistes de l'impro ne connaissait aucune frontière. Dans l'espace circonscrit déterminé par les règlements et le thème imposé, la liberté créative s'exprimait avec une fougue extraordinaire. Cette forme de théâtre à la fois libre et fortement structuré dure au Québec depuis des décennies, et elle a d'ailleurs été exportée un peu partout dans le monde francophone et même au-delà.

The paradox of deep structure and total freedom that lies at the root of theatrical improvisation is also reflected in the many ways in which we at McGill think about law and legal training. Legal education is at once tightly structured and open ended. To be trained as a competent jurist is to acquire some familiarity with massive amounts of conceptual knowledge, to develop habits of critical thinking, as well as strong ethical and professional commitments. And yet receiving a law degree does not dictate the shape of one's career – from that point onwards, everything is possible. Law is, quite literally, unlimited. A legal education merely provides a framework within which each one of us is free to improvise and construct a meaningful life in the law.

The stories you are about to read provide ample evidence that this holds true at McGill. Professors and students of the Faculty of Law move beyond the ordinary framework of the university classroom to construct new ways to learn the law. Legal research extends well past the traditional, the obvious and the typical, and maps the hitherto unexplored. A plurality of legal traditions, languages, practical perspectives and interdisciplinary frameworks are brought to bear on key contemporary social and political problems. For their part, the alumni of the Faculty imagine the law and their careers as open space: some have stepped outside the fixed boundaries of legal practice while others have crossed physical frontiers to build a career elsewhere.

À McGill, la formation juridique a toujours été conçue comme le point d'ancre d'une carrière riche et diversifiée. Le droit continue d'y être imaginé au pluriel, sans limites ni frontières. It is not just a commitment to thinking outside of the box – it is a tradition of thinking as if there is no box. Et ça, ça ne s'improvise pas! **■**



Daniel Jutras
Dean / Doyen

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Back alleys and beyond: McGill professors, alumni and students venture into new territories of teaching and practice. From the top: Olivier Plessis, Kent Mewhort, Jennifer Besner, Jean-François Gascon and Tina Piper.

PHOTO BY SHANE WARD

Le Prix James A. Robb

Le 14 juin 2010, la Faculté de droit célébrait les contributions exceptionnelles de quatre vétérans de l'enseignement en leur présentant le Prix James A. Robb.

Au total, c'est plus de 85 années d'enseignement que cumulent ces chargés de cours et près de 2 500 étudiants en droit qui ont pu profiter de leurs expériences professionnelles et de leurs connaissances pratiques au cours des années.

Claudette Allard, BSW'74, BCL'82, LLB'82, pratique le droit des affaires et le droit fiscal, se spécialisant dans les fusions et acquisitions. Elle est associée chez Fasken Martineau.

Associé chez Borden Ladner Gervais, **Kenneth S. Atlas**, BCL'80, LLB'80, est chargé de cours à la Faculté depuis 1985, où il enseigne le droit de la faillite et de l'insolvabilité.

Robert Raizenne, BCL'80, associé chez Osler et expert de la planification fiscale, notamment les fusions et acquisitions transfrontalières et nationales, enseigne à la Faculté depuis 1989.



Associé principal chez Woods, **James A. Woods**, BA'70, BCL'73, LLB'74, est chargé de cours à la Faculté depuis 1984, où il anime l'atelier de litige civil et de plaidoirie.

Pour plus de détails sur l'atelier en question, consultez *inFocus online* : <http://publications.mcgill.ca/droit/2010/05/31/woods/>

De gauche à droite :Robert Raizenne, Kenneth Atlas, James Robb, James Woods et Claudette Allard.

OWEN EGAN



We bid farewell to five Faculty members

LYSANNE LAROSE



A reception was held in New Chancellor Day Hall on June 7 to mark the end of the 2009–2010 academic year and to bid “au revoir” to five faculty members who are retiring: **Ron Sklar**, **Dennis Klinck**, **Blaine Baker**, **Irwin Cotler** and **Armand de Mestral**. Moreover, Professors Baker and de Mestral have been granted emeritus status this year.

Five younger faculty members gave speeches, mixing poetry, humour and prose to honour each retiree and to express our shared appreciation for their loyal contributions to the Faculty of Law over the years.

Read more about academic renewal at the Faculty on *inFocus online* at <http://publications.mcgill.ca/droit/2010/06/30/renewal>.

Kim Brooks aims higher



In March 2010, Professor **Kim Brooks**, holder of the H. Heward Stikeman Chair in the Law of Taxation, was one of 10 professors from across the country selected to receive Canada's most prestigious university

teaching awards, the 3M National Teaching Fellowships. Her passion for tax law is contagious, and she is often praised by her students for the effort she puts into keeping them engaged.

With such teaching success under her belt, Brooks has decided to embark upon a new challenge, accepting the position of Dean at the Schulich School of Law at Dalhousie University starting July 2010. It is with mixed emotion that the Faculty bids Brooks a fond farewell. The Faculty has begun the search for a new incumbent for the Stikeman Chair, acknowledging that any new candidate will have big shoes to fill.

Au service de nos étudiants



Voici quatre sympathiques visages que nos étudiants auront l'occasion de mieux connaître dans l'année qui vient : (dans le sens horaire) **Ali Martin-Mayer**, BSc'98, BCL'02, LLB'02, **Véronique Bélanger**, BCL'91, LLB'91, LLM'99, **Aisha Topsakal**, BCL'02, LLB'02, et **Rosalie Jukier**, BCL'83, LLB'83, sont responsables de l'amélioration continue des services étudiants à la Faculté.

Me Martin-Mayer dirige le service des admissions et du recrutement, tandis que Me Topsakal est la nouvelle doyenne adjointe (études et vie étudiante).

La Pr. Jukier a été nommée vice-doyenne aux études supérieures pour un mandat de trois ans, remplaçant la Pr. **Shauna Van Praagh**, qui part pour une année sabbatique. Me Bélanger, doyenne adjointe à la planification stratégique, continue d'élargir nos initiatives internationales destinées aux étudiants. Dans le cadre de ces mandats respectifs, Mmes Jukier et Bélanger sont parties enseigner en Chine ce printemps dans le cadre d'un programme d'échange avec l'Université de Shantou. Pour en savoir davantage, lisez l'article dans *inFocus online* au <http://publications.mcgill.ca/droit/2010/06/21/shantou>.

McGill Law keeps Supreme Court streak going

By Pascal Zamprelli

Recent graduate **Sam Walker** wasn't sure who was trying to reach him that morning when his cell phone's call display read "private number." After hesitating briefly, he took the call – and he's glad he did. On the other end of the line was Justice Morris Fish of the Supreme Court of Canada, calling to offer Walker one of the most prestigious legal jobs in the country: Supreme Court clerk.

When asked what his duties will entail, Walker joked, "You know, fetching coffee, giving massages." That sense of humour will come in handy, as being a Supreme Court clerk in fact means long hours of research, analysis and drafting of judgments, with an unremitting commitment to intellectual rigour expected throughout.

But it is also a superb opportunity for a budding jurist to gain exposure to the country's top legal minds as they deliberate over the most important issues of the day.

"You get to be part of a small group of people helping make decisions that have a huge impact on the lives of Canadians," Walker said. "It's a great privilege."

And it's a privilege that an impressive number of McGill students have known in recent years. Walker is one of seven to have been picked this year (to begin in 2011). Given that there are 27 positions to fill with students from Canada's 21 law schools, it's quite a feat for one faculty to land more than a quarter of the clerkships. What's more, McGill's

success has become something of a tradition: from 2001 to 2009 inclusive, a whopping 54 clerks have come from McGill, including a record eight in both 2006 and 2007.

Joining Walker will be **Jasmine Wahhab** (Justice LeBel), **James Gibson** (Justice Deschamps), **Perri Ravon** (Justice Deschamps), **Seo Yun Yang** (Justice Charron), **Anja Grabundzija** (Justice Rothstein), and **Alexandre Bien-Aimé Bastien** (Justice Cromwell).

All of them can look forward to a demanding but rewarding experience, and they can all expect a year during which they will be far too busy to fetch any coffee.

During Spring Convocation

Alana Klein receives Durnford Award

Assistant Professor **Alana Klein** was the students' pick for the Durnford Award in Teaching Excellence this year. On Klein's nomination form, one student described her as "a thorough, insightful and thought-provoking teacher," while another added, "She gave me more comprehensive feedback than I've ever received in my many years of undergraduate and graduate studies. It was very helpful for my learning around legal writing."

As is tradition, Klein was handed the hefty baluster-shaped prize during the June 4 convocation ceremony by Principal Heather Munroe-Blum.



Zimmermann gets LLD honoris causa

This year's honorary doctorate recipient, Professor Dr. Dr. h.c. mult.

Reinhard Zimmermann, is recognized as one of the world's leading authorities in comparative law and legal history. He is the recipient of the Gottfried Wilhelm Leibniz Prize, Germany's highest honour for scholarly achievements, and has contributed significantly to the study of mixed jurisdictions, bringing such research to bear on discussions surrounding the emergence of European private law.

Less well-known, perhaps, is his role in a series of stories by Alexander McCall Smith, the author of *The No. 1 Ladies' Detective Agency*. The series, entitled *The 2½ Pillars of Wisdom*, is a tongue-in-cheek account of the exploits of three distinguished German professors of philology, which makes frequent reference to a mysterious "Professor Zimmermann."

John Hobbins honoré pour sa carrière comme directeur de la bibliothèque de droit

Notre collègue **John Hobbins**, BA'66, MLS'68, a reçu l'Attestation de mérite professionnel décernée par les bibliothèques de McGill pour 2010. Selon le professeur émérite Stephen Scott, BA'61, BCL'66, « John Hobbins n'est pas seulement un homme d'une profonde érudition, mais aussi un collègue loyal et habile. Il a montré son dévouement à notre mission par ses savants écrits sur l'histoire de notre Faculté. Nous lui devons beaucoup comme confrère et ami. » Toujours aussi attaché à la Faculté, John a choisi de recevoir son prix lors de la Collation des grades de la Faculté de droit ce printemps.



Major Conferences in 2010

23-25 septembre

La fiducie dans tous ses États

Comment les juridictions civilistes et les juridictions mixtes ont-elles développé leurs propres institutions fiduciaires? Quelles sont les différentes manières d'envisager la fiducie? La conférence explorera cet outil juridique de plus en plus important.

<http://francais.mcgill.ca/crdpcq>.

26-27 September

Transport: What Route to Sustainability?

Presented by the Institute for Air and Space Law, this conference and exhibition will precede the triennial meeting of the ICAO General Assembly. Themes covered include the state of the aviation industry, the environment, security and facilitation, and strategies and the way forward.

<http://www.mcgill.ca/iasl>.

7-9 October

Global Conference on Human Rights in Diverse Societies

The second Echenberg Family Conference on Human Rights will bring together panelists from around the world to address how diverse societies conceptualize and implement human rights norms and policies. One of the objectives of the conference will be to identify ways to help diminish sources of cultural conflict and foster increased participation from all members of society.

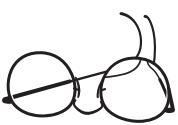
<http://efchr.mcgill.ca>.

In the eye of

Support for research in disability law paves the way for new conceptions

GERRY HUDDLESTON



 **At the age of 48**, less than a decade after he was appointed justice of the Superior Court of Quebec, the Hon. James K-Hugessen, BCL'57, began to lose his eyesight. By his early 50's, when he became a judge of the Federal Court of Canada, Appeal Division, he was legally blind.

Managing his case load with the help of text-to-speech computer software, Hugessen served on the Federal Court until 2008 and chaired the nationwide Task Force on Access to Information for Print-Disabled Canadians. Earlier in 2010, he made a gift of \$550,000 to the Faculty to stimulate research in this area of the law. The Justice James K-Hugessen Fellowship for the Study of Disabilities and the Law will advance scholarship in this emerging field by supporting graduate and undergraduate students, and teaching and research.

"I spent my youth and most of my adulthood to full middle age in happy ignorance of the experience of physical barriers... My hope is to encourage study in the Faculty of and by people with disabilities," Hugessen says simply. Crucial to this endeavour, he adds, is engendering awareness of how disability brings with it a different experience of the world. "You've got to have been there or to imagine yourself there to understand."

Encouraging research in disability law at McGill

On a warm summer day, the office of DCL candidate Futsum Abbay is dim – the lights are off – and pleasantly cool. Abbay is working at his computer, but the monitor is also off. Instead of reading from the screen, he uses the scanner next to the hard drive and wears a pair of headphones to transcribe texts from print to voice.

Blind since childhood, Abbay completed his undergraduate degree in law in Eritrea with the help of friends who dictated their class notes to him. At McGill, he holds a fellowship from the Rathlyn Foundation, another award dedicated to outstanding students conducting research in disability law.

"There is a theory that presupposes that disability is found in the environment rather than in the individual him or herself," Abbay says. "If there are barriers that prevent a person with a wheelchair from continuing, this theory says it is the responsibility of society as a whole to remove these barriers."

As Hugessen notes, "Many of the barriers to people with disabilities are set up unconsciously. It's a matter of balancing competing requirements: the needs of society and the particular needs of people with disabilities."

The problem, he adds, is that "there is no coherent and principled body of law on disability because thus far, the matter of disability and the law is not something the law has viewed as worthy of study." His gift to the Faculty, Hugessen hopes, will create a place for discussion and research.

An area of the law with expansive relevance

Montreal restaurant O.Noir faces a busy section of St. Catherine Street, but its windows are permanently covered with black curtains. The establishment serves its patrons in total darkness, with the help of waiters who are blind, so diners gain a better understanding of what it is like to live with a visual disability.

the beholder

of rights and responsibilities

By Victoria Leenders-Cheng

The Disability and the Law student group at McGill organized a meal there in 2008, as part of its efforts to generate interest in disability law.

Student initiatives such as these, as well as a blog on disability and the law (<http://legalfrontiers.ca/category/disability-law>), draw upon support from the Rathlyn Foundation and the James K-Hugessen Fund to provide financial assistance for research and activities, as well as resources for McGill students with disabilities.

Much of the potential for change in disability law hinges on changing social perceptions about barriers to access, Hugessen says, pointing out that side-

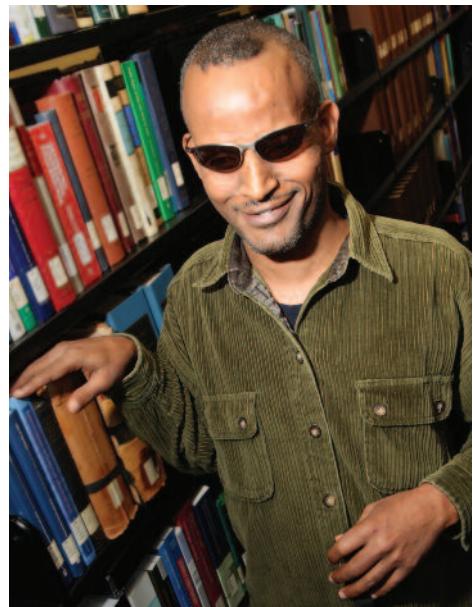
walks are now much friendlier to wheelchair access than a few decades ago.

"When I grew up in Montreal, there was no question of there being sidewalk cuts [ramps between the sidewalk and the street] anywhere. Today, there are few cities and towns anywhere which don't have cuts."

Adds Abbay: "The law is not a total panacea for the problems of persons with disabilities, but I believe it can be an instrument for change." □

OPPOSITE: The Hon. James K-Hugessen, BCL'57, and Mary Hugessen, BA'55, BCL'58, BSW'77, MSW'83.

RIGHT: Futsum Abbay, LLM'02.



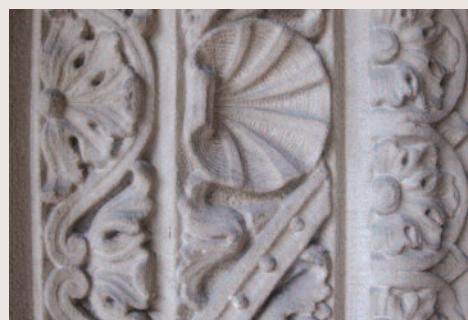
Creating a Lasting Legacy

The Faculty of Law would like to express its deep appreciation for the generosity and commitment of the late David Mackenzie, QC, BA'48, BCL'51, [see obituary on page 21].

Thanks to a generous bequest from Mr. Mackenzie, the Faculty of Law will now be able to expand upon its offerings in the area of Corporate Finance and Securities Law, with the creation of the David Mackenzie Fund in Securities, Corporate Finance and Financial Market Regulations.

This endowed fund will support such activities as new course development,

research assistantships, conferences and seminars in this increasingly dynamic area of the law, and will provide an important legacy for Mr. Mackenzie himself, whose legal career was synonymous with excellence.



David Mackenzie graduated from the Faculty of Law in 1951 and went on to found the prominent Montreal law firm Mackenzie Gervais, which merged with McMaster Meighen in 1998, and later with four other firms in March 2000, to become part of Borden Ladner Gervais, one of Canada's largest law firms.

The Faculty of Law is grateful for the support of alumni like Mr. Mackenzie, who through foresight and planning have made a lasting and meaningful contribution to the Faculty, helping to ensure that McGill continues to provide the best legal education in the country for decades to come. □

Merci! Thank you!

La Faculté de droit est reconnaissante envers ses généreux diplômés, amis et donateurs qui, par leurs dons, aident nos étudiants et professeurs dans la poursuite de leurs projets universitaires.

The following categories represent annual giving made between June 1, 2009 and May 31, 2010, rather than total multi-year pledge amounts. The list excludes anonymous donors.

Many thanks to all who contributed!

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Prizes of Prestige

Adelle Blackett, BCL'94, LLB'94, received the 2010 Bora Laskin National Fellowship in Human Rights to pursue research in contemporary labour law. Her analysis will focus on the conditions of domestic workers and the regulatory frameworks in 75 countries around the world, including Brazil, France, South Africa and Canada, and seeks to address the lack of comparative, international perspectives on the subject.

"Domestic work is one of the oldest and most significant occupations for a staggering number of women around the world," Blackett says. However, she adds that domestic work is often undervalued or devalued as part of the informal economy and as work that takes place in the home.

"The hypothesis of this research is that, for domestic work to be recognized as decent work, it must be regulated both and at once as work like any other and as work like no other," Blackett explains.



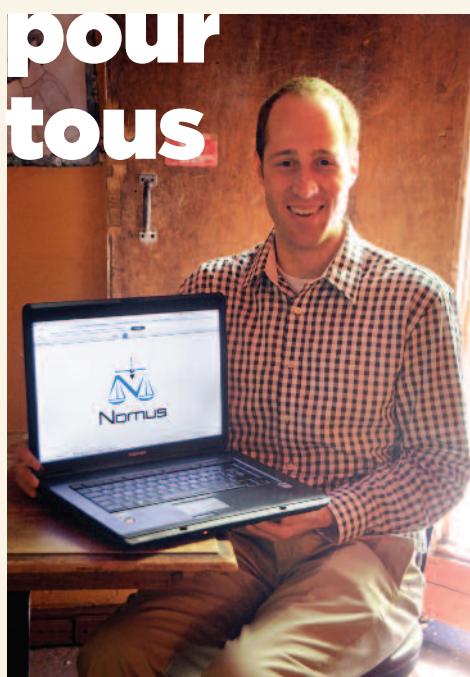
CLAUDIO CALIGARIS (2)

Based on the unanimous opinion of the award committee, Robert Leckey, BCL'02, LLB'02, received the Canada Prize of the International Academy of Comparative Law (IACL) for his book, *Contextual subjects: Family, state and relational theory*. The prize recognizes an original legal work "of high scientific quality" that critically compares the common law and civil law systems.

Published by the University of Toronto press, the monograph analyzes shifting views of the legal subject and argues that the concept of the legal subject is not only embedded in the social context and in relationships, but exerts an influence on the application of family law and administrative law as well.

"I take great pleasure in seeing the prize awarded to your subject," said IACL Secretary General Jürgen Basedow, in spreading word of the news. "The interrelation between family law and administrative law has been neglected over a great many years although it has become more and more important in real life."

Information juridique



L'idée de créer un moteur de recherche est venue à **Kent Mewhort**, un étudiant en 4^e année, au beau milieu d'un cours sur les contrats. « Je cherchais un arrêt particulier en droit autochtone, mais je n'arrivais pas à me souvenir du nom, » explique-t-il. « J'ai essayé plusieurs mots-clés et j'ai consulté page après page de résultats, sans succès. En désespoir de cause, j'ai fait une recherche sur Google et je l'ai immédiatement trouvé! »

Chercher de la jurisprudence sur Google est loin d'être idéal, note M. Mewhort, qui détient un baccalauréat en informatique de l'Université de Colombie-Britannique. Mais il a tout de même pris exemple sur le géant de la recherche web en concevant son propre site, qui se veut facile d'emploi pour tous, et pas seulement pour les juristes.

« Le rôle des avocats va devoir changer, dit-il, car une foule de personnes se représentent déjà elles-mêmes devant les tribunaux. Il est clair que pour réussir, ces gens ont besoin d'avoir accès à de l'information juridique qu'ils peuvent aisément trouver et comprendre. »

Pour dessiner le logo du moteur de recherche, M. Mewhort a justement tiré son inspiration de cette notion d'accessibilité. Deux voiliers en équilibre évoquent à la fois un compas et les plateaux de la balance de la justice, représentant, dit-il, « des informations juridiques qui circulent librement. »

Voyez vous-même : www.nomus.ca. ▶

LAW, UNLIMITED

When it comes to career paths, McGill Law alums have a history of seeking new vantage points, an impulse that is closely connected to the history and character of the Faculty of Law. inFocus profiles seven alumni who are breaking innovative ground with their law degrees and offers a look at the pluralistic nature of the Faculty itself.

By Joanne Simonetti and Victoria Leenders-Cheng

1850–1900:

EARLY PROMISE AND A NOBLE ROSTER

Even in its infancy, the Faculty of Law produced some of the most influential legal minds in the country: by the time of Confederation, the Faculty had educated two eventual Prime Ministers and one Father of Confederation: Sir John Joseph Caldwell Abbott, BCL 1854, DCL 1867, Sir Wilfrid Laurier, BCL 1864, LLD 1899, and Thomas d'Arcy McGee, BCL 1861.

More than a century later, when **Meg Kinnear**, LLB'81, took up her studies at McGill, the list of prominent names was still growing.

"McGill comes with such a unique and powerful legacy," says Kinnear, who hails from four generations of McGill alumni. "Francis Reginald Scott on constitutional law: that is a name that is respected wherever you go."

Kinnear was recently appointed the first full-time Secretary General for the International Centre for Settlement of Investment Disputes in Washington, D.C., one of five organizations that make up the World Bank. She says that her time at McGill honed the skills needed to tackle the complex problems in the world of investment disputes.



Meg Kinnear

"[Studying law at McGill] is an intense growing experience," she says. "You can feel yourself change, the way you think, the way you approach an issue, learn to take it apart and reorganize it in an analytical way. It exceeded all my expectations."

Ann Soden, BCL'81, LLB'82, also has a list of names to add to the roster: "The first students I met as we entered Chancellor Day Hall," she recalls, "were Brian McDonough, now legal counsel to the Catholic Archdiocese of Montreal; Louise Dubé, a CEGEP graduate who became a journalist after law school; François Crépeau, now an eminent expert on public international law; and Kathleen Weil, today Quebec's Minister of Justice."



Jean-François Gascon

After graduation, Soden initially embarked on a career in real estate but devoted herself to the emerging field of elder law after serving on the Board of Governors of a regional seniors' group and uncovering legal needs specific to the elderly that were going unanswered. She is now the Executive Director of the National Institute of Law, Policy and Aging.

"I left McGill with a real passion for law, all its permutations and all its potential," she says. "My training armed me with knowledge and with intellectual curiosity to pursue any opportunity."

1900–1945:

CIVIL LAW MEETS COMMON LAW

In 1914, the Faculty introduces the study of common law to a program that had previously devoted itself to the Civil Code in



Jennifer Stoddart

preparation for the Quebec Bar examinations. Support for the common law component of the curriculum fluctuates over the next fifty years, but this initial decision defines the study of law at McGill for the century to come.

As Professor Herbert Arthur Smith elaborates in 1924, “the first motive [for providing instruction in the ‘common law’] was to ensure that the Law Faculty... should be not merely a provincial, but also a national and a Canadian institution.”

The broad scope of the integrated program of study is even more important today, says **Barry Campbell**, LLB’75, BCL’76. “McGill’s particular advantage is its program, its dual streams, which offer training that is suitable for legal and political careers,” he notes. “It was and is superb training for any number of



Shervin Majlessi

opportunities. It prepares you for how the world operates and how to operate in the world.”

After a decade in corporate law at McCarthy Tetrault, Campbell served as Legal Counsellor at the International Monetary Fund in Washington D.C. In 1993, he answered the call of the Federal Liberal Party to run for public office and won, serving four years in Parliament. Campbell’s career then took an entrepreneurial turn: as founder and president of Campbell Strategies, a government relations firm, he now leads a team that facilitates communication and negotiations between the private and public sectors.

An impressive number of McGill graduates turn to the public sector over the course of their careers, in part because



Caroline Bérubé

the Faculty is uniquely positioned to train its students in two languages and two legal systems, while immersed in a vibrant, pluralistic environment.

“[The years of the late 1970’s] were an exciting time to study law at McGill,” says **Jennifer Stoddart**, BCL’80. “There was a changing of the guard within the Faculty, an influx of younger voices with a more cosmopolitan perspective... It was pre-Charter, so issues of human rights, how criminal law was being applied to minority groups and how all this informed constitutional law, were starting to bubble to the surface. I was extremely fortunate to have witnessed it.”

Decades later, Stoddart would see another changing of the guard upon her appointment as Canada’s Privacy ➤



◀ Commissioner in 2003. Using tools like blogs, YouTube and Twitter to promote awareness of its work, the Office of the Privacy Commissioner is at the vanguard of issues affecting Canadians, from the way personal information collected through online social networking tools is stored and used, to educating young Canadians about their privacy rights.

POST-WORLD WAR II ERA:

AN INTERNATIONAL EXPANSION

Dean Maxwell Cohen, himself an internationally respected judge and scholar, re-asserts the Faculty's hallmark commitment to trans-disciplinary study with the establishment of the Institute of Comparative Law in 1966. Today, McGill boasts one of the largest and most international graduate programs of any school of law and a thriving community of students from all over the world.

Shervin Majlessi, LLM '00, DCL '09, left his home, friends and family in Iran to pursue graduate studies at McGill Law. Majlessi was interested in a career in international relations and knew that McGill credentials would open the right doors.

After graduation, he investigated fraud and corruption allegations for the World Bank, and for the United Nations in the Oil for Food Program. He is currently stationed in Kabul as a strategy and anti-corruption advisor in preparation for the 2010 Kabul Conference, where the Afghani government will present its plans for development and governance programs to an international audience.

"Part of my responsibility is to be the voice of reason as pressure builds to deliver a strategy in time for the conference," explains Majlessi. "There are a lot of ambitious ideas right now about Afghanistan, but not many practical plans. My McGill training taught me

how to think strategically and analytically, how to handle sensitive information and how to communicate ideas effectively so that they are actionable."

Caroline Bérubé, BCL '99, LLB '99, has benefited from McGill Law's international presence on the corporate side, citing an excellent exchange program as a major advantage. A Managing Partner with HJM Asia Law & Co LLC, Bérubé is an expert on Chinese corporate law, advising European, North American and Asian clients on the complexities of Asian legal structures.

"McGill trains people to have an international vision with a dual program that allows you to understand the basis of various jurisdictions, and also by having exchange students from all over the world come to the Faculty and by giving its own students the opportunity to study abroad," Bérubé says.

1999-ONWARDS:

NEW CENTURY ON THE HORIZON

The Faculty unites the study of the common law and civil law traditions under the umbrella of an integrated BCL/LLB program, the only one of its kind in the world. The addition of the Nahum Gelber Law Library building ushers in an era of intensive, cutting-edge legal research, and major classroom renovations herald a revamped approach to teaching the law.

Fascinated by new issues arising from globalization and yearning to travel the world to see these forces at play,

Jean-François Gascon, BCL '00, LLB '00, trusted that McGill's international trade law program would take him where he wanted to go – everywhere.

After obtaining his degree, Gascon worked in the public sector as a trade policy advisor, contributing to the development of a social ISO to guide global industry practices. In 2003, he switched over to the private sector and is now Vice-President of Capacity Building at SNC Lavalin, where he currently runs projects in over 35 countries.

"International trade policy issues can be highly sensitive," says Gascon. "My McGill Law training taught me to ration-

alize those issues, see them from different angles, find solutions and communicate them persuasively. The rigorous training and the strong international network I developed at McGill meant that all roads were open to me, including the one I always dreamed of: travelling."

LATE JUNE, 2010

The campus is quiet, the classrooms deserted. The analog clock on the office wall of FR. Scott Professor of Constitutional and Public Law Roderick Macdonald says it is 4:45 p.m. but something about the hands on the clock is a little odd. The numbers on the clock run counter-clockwise, making it look backwards.

But Macdonald points out emphatically, "It's only a backwards clock if you think convention describes normal. It's a perfect clock and it's perfectly understandable. The only reason we call it backwards is because most of the clocks we've had experience with go the other way."

In challenging the viewer to re-consider the very ideas of forwards and backwards and to question what is considered normal, the clock is an apt symbol of the Faculty itself, says Macdonald, who was Dean from 1984 to 1989.

"You find at McGill professors with diversity of opinion who have non-standard views of the universe and are willing to make the time to assist students with similar views in pursuing their dreams," Macdonald explains, describing a Faculty composed of professors who speak not only English and French but also Spanish or Mandarin – among others – whose interests range from private practice to government or pro bono work, and whose priorities encompass academic research and student life.

This spirit of constant inquiry enables a broadening of perspective, academically and professionally, Macdonald says. "If you come to the Faculty of Law where people say, 'Just because that's what most people do doesn't mean that's what we have to do,' then the clock isn't backwards and these other careers aren't alternative. They're just part of what you can do with a law degree." ▀

La Clinique juridique des artistes de Montréal

Des étudiants et des diplômés décident de redonner aux artistes qui leur ont tant donné.

Par Marie-Christine Valois

Il est 19 h 30, rue Sherbrooke. Dans une vaste salle de conférence, une demi-douzaine d'apprentis juristes attendent leur premier client. C'est la troisième séance de consultation dans l'existence de CJAM, la Clinique juridique des artistes de Montréal. À 19 h 35, Jean-Jacques Nigoul fait son entrée. Il a quitté la restauration dans le but de vivre de ses écrits. Mais le chemin vers le métier d'auteur est ardu. Il est ici pour connaître ses droits. Et cela ne lui coûtera pas un sou (voir www.cjam.info).

CJAM, c'est l'idée de Keith Serry, un ancien journaliste culturel et consultant en communications. Il a entamé ses études en droit à McGill dans la mi-trentaine. CJAM est née de l'alliance de ses deux passions : le droit et les Arts. « J'ai un intense désir de voir les gens créer. La clinique, c'est l'occasion de mettre nos connaissances juridiques au service de cette création. Nous voulons redonner à la communauté artistique qui nous a tant donné, par son art, par sa musique. »

Commencer petit pour voir grand

À l'automne 2008, une dizaine d'étudiants, un professeur de droit et le gérant d'un groupe de musique se réunissent dans le salon de Keith Serry. Un café à la main, ils voient grand. « Notre idée était de créer une clinique permanente, ouverte 5 jours sur 7, avec des employés, et qui fournirait de l'information juridique objective et des conseils aux artistes. »

« J'ai vu que ce genre de concept fonctionnait déjà dans d'autres grandes villes, comme New York, Los Angeles, San Francisco et Nashville, précise Keith Serry. Et comme Montréal a une communauté artistique fantastique, je me suis dit que cela fonctionnerait ici aussi! »

C'est stupéfiant de voir la scène musicale montréalaise! Ce qu'elle produit dépasse tout. »

Mais il faudra attendre presque deux ans avant qu'il ait lieu la première séance de consultation. « Nous avons passé toute une session à tenter de trouver des fonds pour financer notre projet, mais sans succès, confie Keith Serry. Finalement, nous avons décidé de livrer un produit un peu moins complet, en le finançant de notre poche. Nous offrons le service seulement de temps en temps pour commencer. Le but, c'est de prouver qu'une clinique pour artistes, c'est possible et qu'il existe un besoin. »

Les *Robin des bois du droit*

CJAM offre aux moins nantis ce qu'ils ne pourraient s'offrir autrement. « On aide les artistes qui normalement n'ont pas beaucoup d'argent et qui ont souvent la réputation de se faire avoir par les grosses compagnies, » affirme Guillaume Lavoie, bénévole et étudiant en droit à McGill.

L'équipe CJAM : Jennifer Besner, David Shaffner, Olivier Plessis et Keith Serry (co-directeurs), Owen Ripley et Ben Shemie

Et à en croire les artistes, CJAM est une bénédiction du ciel. « Cette clinique est fort sympathique, affirme joyeusement l'auteur Jean-Jacques Nigoul, d'autant plus que les recherches se font une fois que les questions sont posées. Les réponses ne nous viennent pas toutes prêtes, sorties de la bouche de celui qui nous reçoit. Ça donne plus de crédibilité aux réponses. » Un client de CJAM peut s'attendre à obtenir l'information souhaitée dans les 10 jours suivant la rencontre.

« Tous les clients que j'ai eus jusqu'à présent avaient des projets et ils voulaient savoir comment les réaliser, tout en minimisant les risques juridiques, les risques de poursuites, et éviter que d'autres personnes s'approprient leurs idées, » affirme Maxime Hébrard, étudiant en droit à McGill et bénévole pour l'organisme.

Toutefois, les bénévoles de CJAM ne sont pas autorisés à donner d'avis juridiques. « On peut leur énumérer leurs droits, mais on ne peut pas leur donner des conseils, du genre il faut que vous alliez devant le tribunal ou quoi que ce soit, ajoute Maxime Hébrard. Mais on peut leur dire, la loi, c'est ça; les droits d'auteurs, c'est ça. Et en général, ils sont contents de l'aide qu'on leur apporte. »

Les fondateurs de CJAM espèrent trouver les fonds nécessaires pour qu'un jour la clinique devienne un incontournable pour les artistes de Montréal. « Des services juridiques gratuits, ou très abordables, offerts en tout temps. C'est mon rêve, » conclut Keith Serry. ■



The Other Side of гражданский

ALEX PONOMAREV



Daria Boyarchuk, BCL/LLB'08, in the Moscow office of the Stichting Russian Justice Initiative

Being arrested in North Caucasus drives home the challenges – and the realities – of human rights work for one recent McGill grad

By Laurel Baker

When Daria Boyarchuk graduated from McGill's Faculty of Law in 2008, she packed her bags and headed back to Moscow to continue the human rights work she started as an intern. Now working at the Stichting Russian Justice Initiative (SRJI) as a human rights lawyer, Daria and her colleagues labour to obtain redress for human rights abuses committed in the North Caucasus.

Since its founding in 2001, the SRJI, a Moscow-based non-governmental organization, has established itself as one of the leading legal representation and litigation organizations in Russia,

investigating incidents in the Chechen war and the 2008 armed conflict in Georgia.

Earlier this year, Boyarchuk and three colleagues were in the Republic of Ingushetia, interviewing witnesses to take their stories before the European Court of Human Rights in Strasbourg, France.

"I wanted to have the families [I was representing] tell me how their father or their son or their daughter had disappeared or been killed extra-judicially," says Boyarchuk. "It was such a huge contradiction of seeing such a beautiful area and knowing there were so many human rights violations going on."

The pristine landscape was also incongruous with what happened next. As Boyarchuk exited her hotel with her suitcase, set to fly back to Moscow, she and her colleagues were surrounded by over 15 armed guards. "This guy is in front of me with a huge Kalashnikov," she says. "The information about our presence had leaked out to federal security headquarters, the former KGB. I burst out crying, there was so much pressure."

Their passports confiscated, they were loaded into vans and taken to what Boyarchuk describes as a "dark cell of a basement" where they were questioned and taunted. "They were like, 'Why are you so upset? You should be happy we're not hanging you upside down from the ceiling like we do with the other detainees.'"

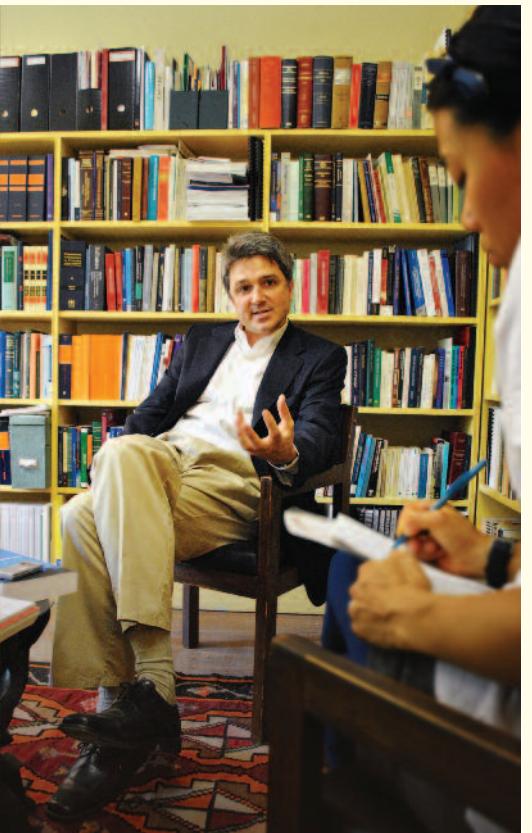
Boyarchuk was never given an official reason for the arrest, nor for their eventual release, but she admits she was haunted for weeks afterwards. Living in fear was not something she had considered as a law student at McGill, even though she had interned at the SRJI.

"Like a lot of students who want to do human rights work, my head was in the clouds. This showed me the reality," she says, adding a maxim for other graduates interested in her field. "What human rights lawyers do is great indeed, but it comes at a great price."

Despite this chilling wake-up call, Boyarchuk has not lost her faith in her ability to help end impunity, even if the short-term outlook is bleak. "Things will probably not change while I'm here, or in 10 years, or 20 years. But they will change slowly."

In the meantime, she draws inspiration from the courage of the victims and their families. "I think of an applicant we met whose son was detained seven years ago – he still had so much hope to see him again and I think it is this hope that I bring back with me to Moscow," she says. "I hope that my presence and that of other human rights lawyers working here will help." ▀

Laboratoire de cyberjustice : un tribunal portatif peut-il améliorer l'accès à la justice?



LYSANNE LAROSE

« Peu de gens sont conscients du fait que, dans la plupart des pays, le système juridique ne fonctionne pas très bien. Dans 95 % des litiges, le système est trop lent et trop coûteux. De plus, le système juridique ne se prévaut pas des technologies de l'information.

Le laboratoire est un forum de réflexion et d'échanges sur les développements et meilleures pratiques dans le domaine. Nous sommes à créer une infrastructure logicielle de base dont quiconque pourra se servir pour développer des modules spécifiques. »

Donnez-nous un exemple du type de module que le projet pourrait engendrer.

« Nous avons rencontré des juges qui nous ont suggéré des projets très intéressants. Par exemple, un système virtuel de dépôt de documents qui simplifierait et rendrait plus efficaces les procédures des petites créances.

On peut imaginer aussi des banques de données qui fourniraient de l'information aux juges, sur les sentences imposées pour une infraction particulière, par exemple; un logiciel pour recréer les lieux d'un crime en réalité virtuelle, ou des technologies pour faciliter l'accès des personnes handicapées au système judiciaire.

Ces applications sont simples, mais pourraient réduire considérablement coûts et délais. »

Les outils informatiques sont disponibles depuis plus d'une décennie. Qu'est-ce qui freine leur implantation?

« La communauté juridique est particulièrement attachée à ses traditions et réticente à l'idée du changement.

Cette réticence s'explique en partie par la force même des habitudes procédurales et en partie par la nature conservatrice du droit. Certains chercheurs, par exemple, ont suggéré que l'architecture d'un palais de justice en elle-même est essentielle à la perception qu'ont les gens que justice est bel et bien rendue.

Qu'arrivait-il alors si, à l'aide des technologies, on pouvait tenir des audiences dans une collectivité éloignée? Nous devons mieux comprendre les enjeux psychologiques pour identifier les éléments de la pratique qui sont de simples habitudes et ceux qui sont d'une utilité réelle. Voilà des questions que le laboratoire de cyberjustice nous aidera à explorer. »

Comment le public perçoit-il ces changements dans le système judiciaire? Comment le projet y répondra-t-il?

« Le système de justice pénale effectue une bonne part de son travail en suscitant une crainte dans l'esprit des gens : 'si je fais ceci, je serai puni par la loi'. Bien que vague, cette notion est très dissuasive à l'égard des comportements antisociaux; le système judiciaire s'en sert depuis bien longtemps!

Aujourd'hui, toutefois, les gens connaissent mieux leurs droits et, dans les causes civiles, sont beaucoup plus enclins à entamer des procédures judiciaires ou extrajudiciaires.

Le public souhaite un système de justice plus efficace et accessible. À cet égard, l'incorporation de nouvelles technologies dans l'administration de la justice a le potentiel d'en accroître l'accessibilité et de changer notre façon de considérer la justice et le rôle de l'état dans son administration. »]

Le professeur Fabien Gélinas collabore avec le Centre de recherche en droit public de l'Université de Montréal au « Laboratoire de cyberjustice », une infrastructure de recherche visant à développer des solutions technologiques aux problèmes qui affligent l'administration de la justice. Le projet comprendra notamment une salle d'audience portative, dotée d'un système de visioconférence, d'ordinateurs et de logiciels, qui permettra la tenue de procédures judiciaires ou arbitrales à distance. Notre journaliste Victoria Leenders-Cheng l'a rencontré.

Pourquoi le monde juridique a-t-il besoin du laboratoire de cyberjustice?

Les « classes intelligentes »



« Une centaine d'étudiants, cordés sur leurs chaises pendant des heures, recopient le discours blasé d'un professeur tout aussi blasé. C'est le genre de vision d'horreur qu'on a toujours refusé ici, » affirme Daniel Jutras, doyen de la Faculté de droit de l'Université McGill. Entamer un grand virage pédagogique, c'est sa priorité. « J'aimerais que, lorsque les étudiants vont en classe, ce soit une aventure chaque fois, que ce soit engageant, excitant, qu'ils aient envie d'être en classe tous les jours.»

Depuis janvier 2010, la Faculté de droit de McGill donne des cours dans ce que l'on appelle des « classes intelligentes ». Frédéric Mégret et Tina Piper ont été les premiers professeurs à s'investir dans ce projet. Et ce fut tout un contrat! Car dans les classes intelligentes, l'enseignement magistral cède complètement sa place à la participation étudiante.

« Ces salles n'ont pas de podium, où le professeur récite son cours, explique Tina Piper. Il y a huit tables rondes, placées en cercle, et le professeur se déplace dans la salle. »

Adieu, enseignement magistral

Frédéric Mégret ne croit plus en la scolarité passive, ni au confort de l'enseignement magistral. « On passe beaucoup de temps et d'énergie à tenter de leur inculquer un savoir théorique. [...] Mais on se rend compte, quand on leur pose des questions pratiques, que les étudiants ont compris sans vraiment comprendre. »

Que ce soit des mises en situation concrètes, un système de *clicker* pour permettre aux étudiants de voter en temps réel sur des questions de droit, ou encore des débats virtuels où les étudiants argumentent via un réseau informatique, presque tout l'apprentissage se fait par

des exercices pratiques. « Je dois en quelque sorte scénariser mes cours, explique Frédéric Mégret. Ils sont devenus davantage des *happenings*, des événements, des rencontres de concepts, que de la transmission de savoir pure et simple. »

« J'ai dû complètement changer mon style d'enseignement pour m'adapter aux classes intelligentes, affirme Tina Piper. C'est comme si j'enseignais mon cours pour la première fois! » La transition n'est pas simple non plus pour les étudiants, car elle exige des efforts plus soutenus de leur part.

« C'est un peu de notre faute à nous, les universitaires. Nous avons souvent encouragé des modes d'apprentissage un peu attentistes, où les étudiants s'adaptent au professeur, où ils font semblant d'apprendre, et où ils se bourrent le crâne quelques jours avant l'examen.

Ne plus faire semblant d'apprendre

Les nouvelles salles de cours, dites « classes intelligentes », encouragent les étudiants à participer activement à leur formation et les professeurs à revoir leurs méthodes d'enseignement.

Par Marie-Christine Valois

Daniel Jutras,
Tina Piper,
Frédéric Mégret

ANDREW DOBROWOLSKYJ

Les plus malins sortiront leur épingle du jeu, mais ils n'auront pas forcément appris! »

Des juristes flexibles

Selon Daniel Jutras, il est tout aussi urgent d'effectuer un virage dans l'enseignement pour répondre aux bouleversements dans le milieu de travail. Car le droit n'échappe pas à l'influence de la mondialisation et à l'essor des technologies. Les juristes doivent être capables de manier différents contextes transnationaux, d'interagir avec des professionnels de toutes sortes,

d'évoluer dans un cadre technologique, et de combler les attentes des clients, quels que soient leurs besoins.

« Ce dont le marché du travail a besoin chez les juristes, au-delà des questions déontologiques et morales, c'est la capacité de résoudre des problèmes, dit Daniel Jutras. Les entreprises et les citoyens veulent des gens capables de donner des réponses. » Les mots clés : souplesse, ouverture sur le monde et habiletés d'interaction. Les classes intelligentes sont en quelque sorte le reflet de cette société en plein changement. □

« *J'ai dû complètement changer mon style d'enseignement pour m'adapter aux classes intelligentes* »

Formation continue pour juristes à la Faculté

La série de formation continue 2009-2010 de la Faculté, *Think Ahead / Une pensée d'avance*, a obtenu un grand succès, proposant 15 heures de formation continue accréditées par le Barreau. La salle du tribunal-école Maxwell-Cohen était bondée à chaque conférence.

Brigitte Quintal, BCL'91, a apprécié la formule et « la qualité des conférenciers, à l'avant-garde de leurs domaines, intéressants dans leurs propos. Impossible de s'ennuyer! » Elle ajoute : « Mais au-delà de ces considérations, c'est le retour à Chancellor Day Hall qui m'a le plus touchée, ce sentiment de revenir à la maison. Nul doute que ce 'retour aux sources' marque le début d'une tradition de formation continue que je ne voudrai pas manquer. »

Claire Kusy, ancienne conseillère juridique à l'Office national du film du Canada, a renchéri en confiant que « chaque conférence fut une véritable pièce de théâtre en trois actes. Les professeurs se sont faits de brillants metteurs en scène et nous ont entraînés dans leur monde. Jamais je n'aurais cru apprendre autant sur des sujets pour lesquels mon intérêt n'était que lointain. Voilà que je me prends à vouloir prendre des cours en droit de la famille ou en arbitrage international. McGill à son meilleur! »

Forte de ces succès, la Faculté de droit entend répéter le programme.

Véronique Bélanger et **Rosalie Jukier** ont entamé l'organisation du deuxième cycle des conférences *Think Ahead / Une pensée d'avance*. Le calendrier proposera aux avocats et notaires deux conférences pour l'automne 2010 et trois autres pour l'hiver 2011.

Restez dans le coup :

mettez notre page web dans vos signets <http://francais.mcgill.ca/law/fc> ou abonnez-vous à notre fil de nouvelles.

Avocats émérites 2009 & 2010

Les diplômés suivants ont reçu la prestigieuse distinction *Advocatus emeritus* du Barreau du Québec.

Bernard Amyot, BCL'82, LLB'83

William David Angus, c.r., BCL'62

Jean-Louis Baudouin, c.r., BCL'58, LLD'07

Max R. Bernard, BA'66, BCL'69

William Brock, BCom'77, BCL'78, LLB'80

Monique Dupuis, BCL'76

Maurice Forget, CM, BCL'69

Georges R. Hendy, BCL'71

Colin K. Irving, BA'55, BCL'58

Warren J. Newman, BCL'81, LLB'81, BA'97

Alex K. Paterson, OC, QC, BCL'56, LLD'94

Richard W. Pound, OC, OQ, QC, BCom'62, BCL'67

Isabel J. Schurman, BCL'83, LLB'83

Manuel Shacter, c.r., QC, BA'44, BCL'47

Pierre Sylvestre, BCL'70

Martine Turcotte, BCL'82, LLB'83

Pierre-Gabriel Jobin : Mérite du Barreau

Le 3 juin 2010, à La Malbaie, lors du Congrès annuel du Barreau du Québec, le professeur émérite Pierre-Gabriel Jobin recevait un prix Mérite.

Les prestigieux Mérites sont attribués par le Barreau pour « l'accomplissement d'un haut fait professionnel, la réputation, le dévouement à la cause du Barreau, l'engagement dans la défense des intérêts de la justice, l'engagement social, une contribution particulière à l'avancement du droit et de la justice, ou tout autre motif pertinent. »

Saisi de cette nouvelle, Daniel Jutras, doyen de la Faculté de droit, a lancé : « Dans le cas de Pierre-Gabriel Jobin, le Mérite lui est sans aucun doute attribué pour tous ces motifs! »

What's new? Send your AlumNotes to Victoria Leenders-Cheng, Communications Officer, at victoria.cheng@mcgill.ca, tel. 514-398-3424.

Pierre-Gabriel Jobin a également reçu la distinction d'Avocat Émérite qui récompense les juristes qui se sont distingués par leur parcours professionnel exemplaire.

THE 1950s

David R. Franklin, AdE, BA'56, BCL'59, Honorary Consul of Iceland, recently published *International Commercial Secured Transactions* (Carswell, 2010). An expert in the areas of international debt collection, commercial law and commercial litigation, he has taught law at Concordia's John Molson School of Business for 45 years and is also partner at Franklin & Franklin.

Donald J. Johnston, PC, OC, QC, BCL'58, BA'60, LLD'03, was invited by Iceland in February 2010 to participate as a special adviser in negotiations with the Netherlands and Britain on the collapse of Iceland's banking system following the recent worldwide financial crisis. Johnston is a founding partner of Heenan Blaikie, a former cabinet minister for Pierre E. Trudeau, and former Secretary-General of the Organization for Economic Co-operation and Development.

Joseph R. Nuss, QC, BA'55, BCL'58, who stepped down as a judge of the Quebec Court of Appeal in December 2009, has joined



Woods LLP as senior counsel, where he focuses his efforts on arbitration and mediation. Before his appointment to the bench, he appeared as counsel before the Supreme Court of Canada, the Federal Court, all the courts of Quebec, as well as before administrative tribunals in various areas of the law.

THE 1960s

Roy L. Heenan, OC, AdE, BA'57, BCL'60, LLD'08, was named 2010 Montreal Labour and Employment Lawyer of the Year by the editors of *The Best Lawyers in America*. Chair and founding partner of Heenan Blaikie, he was chairman of the McGill Law Faculty Advisory Board from 1990 to 1996 and is now chairman emeritus. He has also taught labour law for the Faculties of Management and Law.

David P. O'Brien, OC, BCL'65, was appointed Officer of the Order of Canada for his contributions as a corporate leader and his generous support of post-secondary education across Canada. A member of McGill's Campaign Executive, O'Brien is chairman of the Royal Bank of Canada and EnCana Corp. He also serves as Chancellor of Concordia University. He is the creator of the O'Brien Fellowships for Human Rights and Legal Pluralism at McGill.

Richard W. Pound, OC, OQ, QC, AdE, BCom'62, BCL'67, received the Foundation for Global Sports Development's 2010 Humanitarian Award. McGill's former Chancellor accepted the award at a ceremony during the February 2010 Vancouver Games and was cited as a "pre-eminent leader in healthy sport and someone who has changed the face of Olympic competition in his promotion of major anti-doping efforts."

An extraordinary reunion in Paris

Jean Ritchie, LLM'69, from London, **John Keenan**, BA'64, BCL'67, LLM'69, from Montreal and **Gerrit de Boer**, LLM'69, from the Hague, met in Paris to celebrate 40 years since their graduation from the McGill Institute of Air & Space Law. Before retiring, Ritchie was a London-based barrister and head of her chambers. De Boer, who has also retired, was Vice-President of the Court of Appeal at the Hague. Keenan remains active as an

attorney in Montreal. Over the years, the three have remained in touch. Many dear memories were evoked of their time at what they called "their" Institute back in 1968.

THE 1970s

Robert Berman, BCL'76, LLB'77, a divorce lawyer, was fed up with what people endure when they must represent themselves before the Ontario Family Court because they can't afford a lawyer, so he wrote two books to help them "survive the divorce process without a lawyer." In 2009, he launched [www.MyOntarioDivorce.com](http://MyOntarioDivorce.com), a do-it-yourself divorce website that allows people to navigate their way through the complex court process.

Christine Carron, MA'74, BCL'77, a reçue le « Zénith » de *Lexpert 2009* en droit des affaires. *Lexpert* a classé Me Carron, qui est associée

principale au sein du groupe Litiges d'Ogilvy Renault, parmi les 25 meilleures avocates au Canada. Le magazine *Entreprendre* l'a aussi citée parmi les 101 Femmes entrepreneurs les plus en vue et *La Presse* et Radio-Canada lui ont décerné le titre de Personnalité de la semaine en janvier 2010.

Stuart H. (Kip) Cobbett, BA'69, BCL'72, was appointed Chair of McGill's Board of Governors in January 2010 for a five-year term. A long-time supporter of McGill University, Cobbett will serve on a number of Board committees. A former managing partner and COO with Stikeman Elliott, he has been an active member of the McGill Alumni Association for years, and served as its president in 2002-2006.

Guy Fortin, BSc'72, BCL'76, was elected to the Board of Directors of Power Corporation of Canada in May 2010. Fortin is Vice-Chair-

man and a Director of Sanpalo Investments, a private investment and management corporation, and is a director of numerous other private corporations. He was previously a senior partner with Ogilvy Renault and he still teaches Estate Planning at McGill's Faculty of Law.

Roderick Margo, DCL'79, a partner at Condon & Forsyth in Los Angeles and an adjunct professor at the Institute of Air & Space Law, was recently named 2010 Aviation Lawyer of the Year by *Who's Who Legal*.

Martine Turcotte, BCL'82, LLB'83, was appointed to the McGill Board of Governors in February 2010. Her career with BCE and Bell Canada spans over 20 years, where she is currently the Executive Vice-President and Chief Legal & Regulatory Officer.

Bartha Maria Knoppers,



LLB'78, BCL'81, was appointed director of McGill's Centre of Genomics and Policy and Génome Québec

Innovation Centre in 2009. A leading expert in ethics, law and policy within the field of human genetics, reproduction and biotechnology, Knoppers leads a research team that tackles issues ranging from stem cell controversies to privacy concerns surrounding individual genetic makeup.

Paul Skolnik, BCL'75, received the Robert-Sacchitelle prize for exceptional work by the *Association des avocats de la défense de Montréal* for his successful defence of Brigadier General Gratien Kabiligi, who was acquitted of ten counts of conspiracy, genocide, crimes against humanity and war crimes at the International Criminal Tribunal for Rwanda.

Ian M. Solloway, BCL'73, has been appointed to a second term as Chair of the English-speaking section of the Bar of Montreal.

Solloway, a Fellow of the International Academy of Matrimonial Lawyers and a past-President of Montreal's Lord Reading Society, injected fresh energy into the section last year, organizing a practical tips learning session that attracted over 450 lawyers. He microblogs at twitter.com/sollowaylaw.

Margaret Somerville, DCL'78, was awarded an Honorary Doctorate of Sacred Letters from St. Mark's College in British Columbia in May 2010. In addition to holding professorships in both the Faculty of Law and the Faculty of Medicine at McGill, Somerville is the Samuel Gale Professor of Law and the Founding Director of the McGill Centre for Medicine, Ethics and Law.

■ THE 1980s

John A. Coleman, BA'75, BCL'80, LLB'80, was appointed managing partner of Ogilvy Renault in June 2009. He has been with the firm for over 25 years and was named 2009 Montreal Labour and Employment Lawyer of the Year by the editors of *Best Lawyers in America*. Coleman taught labour law at the Faculty until 2008.

Rita de Santis, BSc'76, BCL'80, was honoured as one of Canada's Top 100 Most Powerful Women for 2009, in the *Trailblazers and Trendsetters* category, by the Women's Executive Network. De Santis is a top-ranked mergers and acquisitions lawyer and project financing specialist with the Montreal office of Davies, Ward, Phillips & Vineberg.

Sharon G. Druker, BCL'85, LLB'85, a reçue le prix « Reconnaissance » lors du gala annuel *Les Talentueuses* de l'Association des femmes en finance du Québec en avril 2010. Le prix vient souligner l'implication de cette dernière au sein des comités Affaires Internationales

et Gouvernance et au conseil d'administration de l'AFFQ. Madame Druker est associée chez Robinson Sheppard Shapiro.

Pearl Eliadis, BSc'81, BCL'85, LLB'85, was the recipient of the 2009 Woman of the Year Award from the Montreal Council of Women. An international human rights lawyer in private practice, Eliadis has worked in Rwanda, East Timor, Ethiopia, and other countries for clients including the UN and the European Commission. She has published on human rights, constitutional law and women's rights, and sits on the editorial board of the journal, *Charter and Human Rights Litigation*.

David Paul Olsen, LLM'80, was appointed a full-time member of the Canada Industrial Relations Board by the Federal Minister of Labour in October 2009. With over 35 years of experience in labour, employment and human rights law, he has held progressively senior positions within the Canada Post Corporation. He is a member of Senate committees on reform of labour law, human rights law and pay equity.

Michael Polak, BCL'82, LLB'82, was named Honorary Consul to Montreal by the Kingdom of the Netherlands for a five-year term in January 2010. Polak specializes mostly in corporate and commercial law. He is a member of the international board of directors of the Business International Network, the largest business networking association in the world.

Kathleen Weil, BA'78, BCL'82, LLB'82, a été nommée ministre de la Justice du Québec en décembre 2008. Elle est aussi VP du Comité de législation et membre du Comité ministériel du développement social, éducatif et culturel. Avant d'être élue dans la circonscription de Notre-Dame-de-Grâce en décembre 2008, elle était PDG de la Fonda-

tion du Grand Montréal. Depuis plus de 20 ans, elle s'implique dans plusieurs conseils d'administration d'organismes du secteur du développement communautaire.

En avril 2010, **Lori Weitzman**, BCL'84, LLB'85, était nommée juge à la Cour du Québec, chambre criminelle et pénale, à Montréal. Elle œuvrait depuis plus de 20 ans comme procureure de la Couronne. Me Weitzman a longtemps participé à la vie intellectuelle de la Faculté, d'abord comme diplômée, puis comme membre du Comité consultatif. Chargée de cours prisée par les étudiants, elle a aussi beaucoup contribué en les préparant aux concours de plaidoirie en droit pénal.

■ THE 1990s

Ruwantissa Abeyratne,

DCL'96, who is a Coordinator of Regional Affairs at ICAO in Montreal, has published *Aviation Security Law* (Springer, June 2010). In the book, he addresses new and emerging threats to civil aviation, evaluates security tools now in use, and discusses applicable security treaties.

Tricia Kuhl, BCL'98, LLB'98, was the winner of the Canadian Bar

Association's 2009 Young Lawyers Pro Bono Award for her work assisting the Portage Program for Drug Dependencies. An associate with Blake, Cassels & Graydon in Montreal, Kuhl provides legal assistance to Portage on corporate, commercial and intellectual property matters.

Jeanette Lee, BCL'98, LLB'98, recently moved to Stohn Hay Cafazzo Dembroski Richmond in Toronto, after practising at McCarthy Tétrault. Lee specializes in IP, marketing and entertainment law. She blogs on legaleve.wordpress.com.

En février 2010, **Troy**

McEachren, BCL'97, LLB'97, est devenu associé chez Heenan Blaikie. Il s'était joint au cabinet en 1999, après y avoir fait son stage. Concentrant sa pratique sur la planification fiscale et successorale, il est d'ailleurs l'auteur d'un fascicule sur « L'administration du bien d'autrui » portant sur les obligations fiduciaires au Québec dans le *JurisClasseur Québec - Biens et publicité des droits* (LexisNexis, 2009).

Perry Narancic, BCL'93, LLB'93, who works out of Silicon Valley, reports that his practice at Narancic & Katzman is very busy and interesting. He has recently launched a software company (www.lexfusionsw.com) and an organic fertilizer company (www.agrothrive.net). Narancic serves as outside general counsel in IP counselling, licensing and litigation and has negotiated multi-million dollar licensing transactions. He adds that it's not just work that keeps him busy: "I have a son now as well - so my hands are full."

Marko Pavliha, DCL'92, wrote to tell us that it's been 20 years since he completed his DCL under Prof. William Tetley. Returning to Slovenia with his family after graduation, he was elected as Secretary General of the *Comité Maritime International* in 2003 and invited to join the Slovenian Government as Minister of Transport in 2004. A Deputy Speaker of the Parliament of Slovenia (2004-2007) he has been Full Professor at the University of Ljubljana since 2004, where he heads the Maritime & Transportation Law Department.

Ian C. Pilarczyk, BA'92, LLM'97, DCL'03 recently accepted the position of founding director of the Executive LLM in International Business Law at Boston University's School of Law. This innovative blended-learning program is scheduled to launch in March 2011.

■ THE 2000s

William Amos, BCL/LLB'05, was appointed Director of the uOttawa-Ecojustice Environmental Law and Policy Clinic, where he had previously served as staff lawyer since 2007. Amos is a part-time professor at the University of Ottawa's Faculty of Common Law.

En août 2009, **Stéphanie Armengau**, BCL/LLB'05, a été nommée procureure de la Couronne et fait partie de la Cour itinérante basée à Amos qui dessert les communautés autochtones. « Mes confrères et moi partons une semaine par mois dans le grand Nord à bord d'un avion, avec le juge et le personnel de la Cour. Nous tenons les procès directement dans les communautés Cris et Inuites. C'est une expérience formatrice, mais les crimes contre lesquels nous luttons sont très violents et bien méconnus des médias québécois. »

Dominic C. Belley, BCL'00, LLB'00, a été nommé « Leader de demain » dans la catégorie *Litige civil et commercial* par l'Association du Jeune Barreau de Montréal. Il pratique le litige fiscal en matière d'impôt sur le revenu et de taxes à la consommation chez Ogilvy Renault.

Axel Bernabe, BCL'01, LLB'01, became partner at Constantine Cannon (NYC) in February 2010. Bernabe, who joined the firm as associate, focuses his practice on antitrust litigation and counseling, representing clients in the health services and pharmaceutical industries, as well as in insurance and real estate brokerage. He was recently part of a trial team that tried a health care antitrust conspiracy case to a successful conclusion.

Noah Billick, MBA'06, BCL/LLB'06, a récemment quitté Fasken Martineau DuMoulin, où

il était avocat au sein de leur groupe des Litiges et résolution de conflits. Il est aujourd'hui vice-président chez Gestion Palos Inc., une firme de gestion de portefeuille.

After graduating, **Daria Boyarchuk**, BCL/LLB'08, moved to Moscow, Russia, where she has been working at the Russian Justice Initiative as a human rights attorney. There, she investigates cases of human rights abuses and violations of international humanitarian law. (See article on page 14.)

Andrés Jonathan Drew, BA'03, LLB/BCL'07, won the William Robson Prize for best overall performance and dissertation for the MSc Regulation Program at the London School of Economics this past December. Currently, he is working on research projects in Europe that analyze the impacts of climate change on the aviation industry.

After graduating and working in NYC for a few years, **Jodi Ettenberg**, BCL'02, LLB'02, quit her job to start a round-the-world trip on April 2008. Since her departure, she has documented her colourful adventures, including witnessing the Bangkok protests, at www.legalnomads.com.

Sophie Lamonde, BCL'01, LLB'01, est devenue associée chez Stikeman Elliott en janvier 2010. Sa pratique est principalement axée sur les domaines des fusions et acquisitions, du capital d'investissement et du financement de sociétés. Me Lamonde a conseillé plusieurs clients canadiens et étrangers, notamment en ce qui concerne les ententes de prestation de service et les contrats d'approvisionnement.

Salim Nakhjavani, BCL'01, LLB'01, is currently Senior Lecturer at the University of Cape Town in South Africa,

where he teaches public international law and international criminal law. Prior to his appointment at UCT in 2006, he served as Associate Human Rights Officer at the UN Office of the High Commissioner for Human Rights and as Assistant Legal Adviser in the Office of the Prosecutor of the International Criminal Court.

Geeta Narang, BEd'94, BCL'00, a été choisie comme « Leader de demain » dans la catégorie *Pro Bono/Implication sociale* par l'Association du Jeune Barreau de Montréal lors de son gala en automne 2009. Après avoir pratiqué le droit autochtone et le droit public dans un cabinet montréalais, elle a démarré sa propre pratique en 2008 en fondant la Clinique juridique du Mile-End (www.justicemontreal.org). Elle fait également partie du comité qui conseille le Barreau du Québec sur des questions culturelles, raciales et d'égalité.

Mohammad Nsour, DCL'09, recently published his doctoral thesis as a book, *Rethinking the World Trade Order: Towards a Better Legal Understanding of the Role of Regionalism in the Multilateral Trade Regime* (Sidestone Press, The Netherlands, 2009). His work looks at the proliferation of regional trade agreements and their effects on multilateral trade agreements. Dr. Nsour is currently in Jordan, teaching law at the University of Jordan and working in a law firm.

Mariam S. Pal, BA'82, MA'86, BCL/LLB'05, was appointed to the Immigration and Refugee Board of Canada in February 2009 for a three-year term. Prior to obtaining her BCL/LLB, Pal worked for nearly 20 years as a development economist, holding positions at the Asian Development Bank in Manila and at the African Development Bank in Abidjan.



In Memoriam

Jeff Roberts, BA'00, BCL/LLB'05 is taking a hiatus from legal practice to double down on writing. He finished an MA in business writing at the Columbia Graduate School of Journalism where he wrote a thesis on free speech and copyright issues related to the Google Books settlement. Roberts is moving to Paris to join the Reuters news agency as a foreign correspondent.

Paul St-Pierre Plamondon, BCL'01, LLB'01, a laissé Stikeman Elliott en 2009 pour sillonner le Québec et rencontrer des jeunes de la « Génération Y », échanger sur les défis qui attendent la société québécoise et consulter ces jeunes quant aux raisons de leur distance face à la sphère politique. Le résultat est *Des jeunes et l'avenir du Québec* (Les Malins, 2010), un livre qui propose des pistes de solution pour revitaliser la démocratie au Québec. Il est également cofondateur de Génération d'idées (www.generationdidees.ca) et avocat chez Delegatus.

After graduation, **Pierre-Hugues Verdier**, BCL'01, LLB'01, clerked at the Supreme Court of Canada, and practised corporate and financial law with Cleary Gottlieb Steen & Hamilton in NYC. He then pursued graduate legal studies at Harvard and further studies in international law. He was appointed Associate Professor of Law at the University of Virginia Law School in 2009.

Grégoire Webber, BCL/LLB'03, took leave from his position as Senior Policy Advisor at the Privy Council Office in October 2009 to take up a position with the Department of Law at the London School of Economics and Political Science. Webber is one of the people behind the Supreme Court Advocacy Institute (www.scai-ipcs.ca). (You can read about this on *inFocus online* at <http://publications.mcgill.ca/droit/2010/06/30/scai>) **1**

Vous avez du neuf? Veuillez la page 18 pour savoir comment nous contacter.



**Dr. Tamar Oppenheimer,
OC, BA'46, LLD'94**

June 9, 2010, age 84

Dr. Oppenheimer was the first Canadian woman to serve as Assistant Secretary-General of the United Nations. She began her distinguished career with the UN in 1946, three weeks after her graduation from McGill. Over the course of more than 40 years, she held a number of high-level posts in Human Rights, Settlements, Narcotic Drugs, and as Deputy to the Director General of the UN office in Vienna. Dr. Oppenheimer, who received an honorary doctor of laws degree from McGill in 1994, endowed the Hans and Tamar Oppenheimer Chair in Public International Law at the Faculty in 2006.

Anthony Barauskas, BCL'62

Marc Casavant, BCL'79

André P. Casgrain, BCL'49

Brock F. Clarke, BCL'42

John H. E. Colby, BCL'47

Romanus J. Curran, BCL'50

Stanley Cytrynbaum, BCL'59

J. Edward Drody, BCL'51

John Dennis Flood, BCL'85

André Gadbois, BCL'49

Jean J. Gagne, BCL'48

Isabel (Dawson) Gales, BCL'36

William A. Grant, BCL'48

Brent K. Hussey, BCL'78

P. Emmet Kierans, BCL'48

Ronald Linden, BCom'76, BCL'80, LLB'80

Walter Paterson Molson, BCL'66

Brien Hubert Noble, LLB'82

Wilbur R. Patterson, BCL'50

Alfred J. Pick, BCL'40

James G. Shetler, BCL'61

Nirari Sheeno, BCL'01, LLB'01

James A. Soden, BCL'50

David Angus Steele, BCL'57

**David Mackenzie,
QC, BA'48, BCL'51**

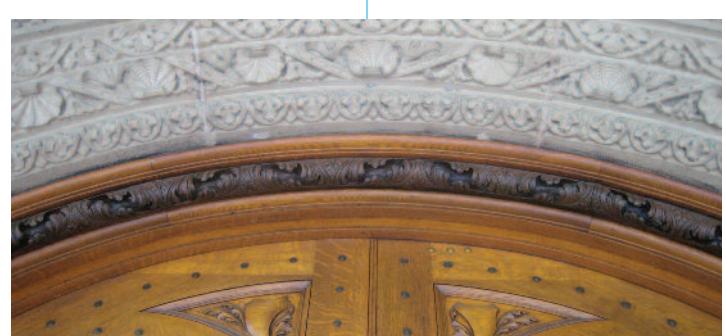
June 26, 2009, age 82

A founder of the distinguished Montreal law firm Mackenzie Gervais, David Mackenzie graduated from the Faculty of Law in 1951. In 1998, Mackenzie Gervais merged with McMaster Meighen later to become part of Borden Ladner Gervais, one of Canada's largest law firms. Deeply committed to public service, David Mackenzie served for many years on the governing board of the Mackay Centre School, which provides services and schooling to children who are deaf and disabled. He is survived by his wife, three children and seven grandchildren. (See also page 7.)

**Brock F. Clarke,
QC, BCL'42**

August 29, 2009, age 79

The top student to graduate from the Faculty of Law in 1942, Brock Clarke was stationed on the West Coast as part of the Royal Canadian Navy Volunteer Reserve during World War II and returned to Montreal to join the firm that eventually became Ogilvy Renault. His encyclopedic knowledge of Canadian tax and maritime law made him much sought after as both counsel and board member for many corporations, including the family business, Clarke Transport Inc. A member of the Faculty of Law Advisory Board and of the Order of Malta, as well as a generous benefactor to many Montreal institutions and charities, he was deeply devoted to his family: his wife, Simonne de Fonville Ethier, and their five children. **1**



Architectural detail, Old Chancellor Day Hall



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