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TURNS 10
LA FACULTÉ EN FÊTE



McGill

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Faculté de
droit

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FALL/AUTOMNE 2012

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★ EN COUVERTURE

La Faculté de droit célèbre les 10 ans de son programme BCL/LLB intégré, et l'équipe des Services graphiques de McGill nous a préparé une couverture digne de l'événement.

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★ FOCUS ONLINE

Passez lire *Focus online*, le mensuel électronique de *Focus Law*, pour des articles sur nos professeurs, étudiants et diplômés.

★ HOMECOMING 2012

This year, Homecoming will take place October 11-14, 2012 and the Faculty will celebrate with several events to be held at the Faculty. See the back cover of this magazine for more information. Nous espérons vous y voir en grand nombre.



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FACULTY NEWS FLASHES

McGill's Faculty of Law, its students and professors collected many newsworthy achievements over the last academic year.

The Faculty placed 20th among the world's law schools in the respected *QS World University Rankings for Social Sciences* for 2011. These rankings reflect a combination of academic reputation, employer reputation and citations by academics.

What's more, the Faculty continued its record of sending students in large numbers to clerk at the Supreme Court of Canada. Six of the 27 clerks starting at the Court in 2012 will be McGill Law graduates.

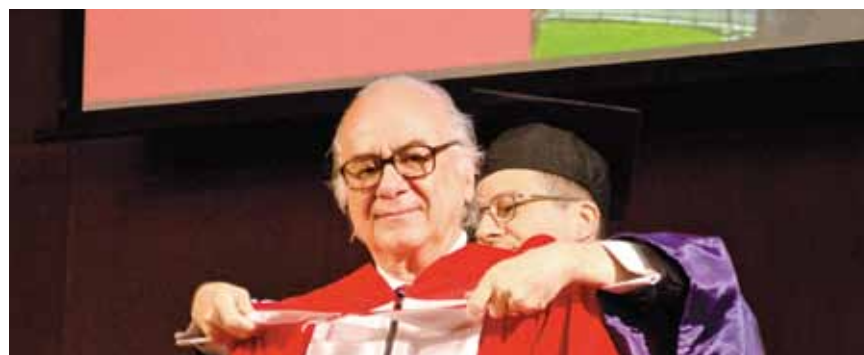
In November 2011, the Faculty announced the creation of a new research and teaching Chair: the **Peter MacKell Chair in Federalism**, made possible by a \$3-million bequest from Law graduate and former member of the Faculty Advisory Board, Peter MacKell, BCL'51. The Chair will allow a scholar with a strong interdisciplinary background in law, political theory and public policy to make innovative scholarly contributions to the theory and comparative practice of federalism, understood broadly as a mode of governance and a technique of social organization. "Peter MacKell recognized the promise that the Canadian constitutional order offers as a source of lessons to the world," said Dean Daniel Jutras, in announcing the news. "He also recognized the Faculty's historical strength in constitutional law, public international law and comparative law."



BIENVENUE!

Daniel Weinstock s'est joint à la Faculté de droit de McGill à titre de professeur titulaire. Daniel Weinstock était auparavant titulaire de la Chaire de recherche du Canada en éthique et philosophie politique et professeur titulaire

au Département de philosophie de l'Université de Montréal. Ses intérêts de recherche portent, entre autres, sur la gouvernance, la diversité sur les plans de l'éthique, de la religion et de la culture, ainsi que sur la philosophie politique.



LYSANNE LAROSE

➤ Professor René Provost, former director of the Centre for Human Rights and Legal

Pluralism, places the doctoral hood onto Boaventura de Sousa Santos' academic regalia.

L'INTELLECTUEL ENGAGÉ

Boaventura de Sousa Santos delivers convocation address

It was a memorable moment. Portuguese legal scholar Boaventura de Sousa Santos addressed a crowd of new graduates, their friends and families at the Faculty of Law's convocation ceremony this June. "Another world—indeed, other worlds—are possible," said the internationally renowned scholar and activist in his passionate address.

Professor de Sousa was awarded an honorary doctorate at the ceremony, during which he was described by Dean Daniel Jutras as "a poet, a philosopher, a sociologist, an anthropologist and, yes, a lawyer too." He is seen as one of the most important legal theorists in the world today, but de Sousa is also active beyond the walls of the university. As an advocate for an expanded concept of global justice, and for his work as a social activist, he is, said Jutras, "the paradigm of Sartre's *intellectuel engagé*."

It was in the 1970s in a Brazilian shantytown that many of the seeds of Boaventura de Sousa Santos' formidable career were planted. After having studied law in his native Portugal and philosophy in Berlin, he went to Yale to continue his legal studies. This, in turn, led him to Brazil, where the young doctoral student studied conflict resolution mechanisms within a *favela*, using ethnographic fieldwork techniques.

This proved to be a seminal experience for de Sousa, who has become known for his support of peasant and indigenous movements all over the world, for his active participation in the World Social Forum, and for his work on globalization, sociology of law, epistemology, democracy and human rights.

Indeed, in his speech, de Sousa traced his linguistic journey—his acquisition of second, third (and more) languages over the years—as a parallel to his development as a sociologist of law with a gradually deepening awareness of the reality of poor people in Latin America, Asia and Africa.

As an example, de Sousa described the inclusion of two terms, *sumak kawsay* and *pachamama*, in Ecuador's constitution, which can't easily be translated. They are Quechua words, representing the unique concepts of "good living" and "Mother World." These terms, he said, "reflect a non-western cosmo-vision and way of life. The least we can do is respect their existence, even if we can't fully understand their meaning."

The recipient of numerous international prizes and honours, de Sousa has been writing for over 50 years and in six different languages, at the intersection of law, sociology and society. Today, he is a Professor of sociology at the University of Coimbra's School of Economics and founding director of its Centre for Social Studies. He is also currently the Distinguished Legal Scholar at the University of Wisconsin-Madison Law School and Global Legal Scholar at the University of Warwick.

{ MARIA TURNER }

PROFESSOR MACDONALD: FROM STRENGTH TO STRENGTH

This past year has been filled with accolades for F.R. Scott Chair in Public and Constitutional Law, Professor **Roderick A. Macdonald**.

Macdonald's deeply personal approach to legal education earned him McGill's highest recognition for excellence in teaching, when he received McGill's Lifetime Achievement Award for Leadership in Learning in November 2011.

Following that, he was awarded the Paul-André Crépeau Medal by the Canadian Bar Association, Quebec Division, in January 2012. This medal recognized Macdonald's work in commercial law and securities law, in addition to his immense contributions to public law, administrative law, constitutional law, legal theory and fundamental private law in Canada.

En juin, après maintes tentatives au cours des années, le corps étudiant de la Faculté de droit l'a enfin convaincu d'accepter le Prix John W. Durnford d'excellence en enseignement. Dans sa présentation du prix, le professeur Hoi Kong a souligné que tout au long de sa carrière, Rod Macdonald «a fait de vastes et profondes réflexions sur le droit. Dans chaque classe, son énorme savoir aide les étudiants à découvrir des choses sur eux-mêmes et sur le monde qui les entoure. Qui plus est, l'influence du professeur Macdonald s'étend bien au-delà des murs d'une salle de cours, se manifestant dans le quotidien de la Faculté de droit.»

{ LYSANNE LAROSE }



➤ Rod Macdonald and Principal Heather Monroe-Blum



MCGILL WELCOMES ALLISON CHRISTIANS

Professor Christians appointed to the H. Heward Stikeman Chair in Taxation Law

“I am honored to take up the Stikeman Chair,” says Professor **Allison Christians**, a noted expert on international tax law and policy who comes to McGill from the University of Wisconsin Law School. “I look forward to reaching out to the tax community in Montreal and beyond, to tax practitioners, academics, policy and lawmakers, and others in the private and public sectors.”

Professor Christians received her J.D. from Columbia and her LL.M. in Taxation from NYU School of Law and practised tax law at Wachtell, Lipton, Rosen & Katz in New York. She began teaching law at Northwestern and later joined the faculty at UW, where she quickly established herself as an expert in her field, writing extensively on the international, institutional and development aspects of taxation.

In May 2012, Professor Christians arrived at McGill to teach an accelerated course in tax law. She and her family then relocated from Madison this summer. “We are all looking forward to settling in Montreal, learning French and immersing ourselves in the uniqueness of the city,” she reports.

What did she make of her advance taste of the McGill Program? “I enjoyed my summer class very much,” she says. “My impression so far is that McGill students are highly motivated and curious, with broad and varied interests. I’m eager to see some of my summer students in future classes, and to meet others in the fall.”

Christians’ first project as Stikeman Chair will be to organize a tax policy colloquium that will bring together academics to share their current scholarship and discuss tax policy—past, present and future. “The colloquium is an important tradition at McGill and I am delighted to be able to continue it,” says Christians.

{ BRIDGET WAYLAND }

FACULTY NEWS FLASHES

Professor **Payam Akhavan** was retained as counsel by the Transitional National Council in Libya on the question of whether Saif Al-Islam Gaddafi, the son and erstwhile heir of the deposed Libyan leader, should be prosecuted before the International Criminal Court in The Hague or before a court in Libya. He was also awarded the Fernand Braudel Fellowship at the European University Institute in Florence.

En juin 2011, le professeur **François Crépeau**, titulaire de la Chaire Oppenheimer en droit international public, a été nommé au poste de Rapporteur spécial des Nations Unies pour les droits de l'homme des migrants pour un mandat de trois ans.

Helge Dedek and **Yaëll Emerich** received tenure in June 2012, and were promoted to associate professor, while Assistant Professors **Hoi Kong** and **Vrinda Narain** both had their positions renewed, a crucial step in the tenure process. Professors **Jean-Guy Belley** and **William Foster** retired and were each appointed to the position of Professor Emeritus last September.

Professor **Evan Fox-Decent's** book, *Sovereignty's Promise: The State as Fiduciary*, was one of three books shortlisted for the 2012 Macpherson Prize by the Canadian Political Science Association. The prize is for the best book published in a field relating to the study of political theory.

Professor **Richard Gold** was appointed a James McGill Professor last summer. The James McGill Professorship recognizes a senior scholar's status as an outstanding and original researcher, producing world-class work.

The International Academy of Astronautics awarded Professor **Ram Jakhu** the Social Sciences Book Award for his book, *National Regulation of Space Activities*, in October 2011. The award underscores excellence in publication in the fields related to basic science, engineering science, life science and social science.

Le professeur **Daniel Jutras**, doyen de la Faculté et titulaire de la Chaire Wainwright, a été élu à titre de membre de l'Académie internationale de droit comparé. Il a également été élu membre de l'*International Association of Procedural Law*.



LYSANNE LAROSE

➤ Tina Hobday, BCL'93, LLB'93, James A. Robb, BA'51, BCL'54, et Marc Barbeau, BCL'84, LLB'85.

TINA HOBDAY ET MARC BARBEAU RÉCIPIENDAIRES DU PRIX JAMES A. ROBB

Associée chez Langlois Kronström Desjardins, **Tina Hobday**, BCL'93, LLB'93, est très active au sein de l'Université McGill depuis plus de 12 ans. Me Hobday est actuellement présidente de l'Association des diplômés de McGill, ayant auparavant été aussi membre du comité exécutif et trésorière de l'Association. Elle est aussi membre fondatrice du Comité consultatif des jeunes diplômés de la Faculté de droit de McGill. L'an dernier, elle a organisé et accompagné un voyage dans l'Arctique canadien pour les diplômés de McGill.

Marc Barbeau, BCL'84, LLB'85, est associé et membre du conseil chez Stikeman Elliott, où il pratique le droit dans les domaines des fusions et acquisitions, des réorganisations complexes et de la gouvernance d'entreprise. Me Barbeau est l'un des bénévoles les plus engagés à la Faculté : il est membre du conseil consultatif et aussi chargé d'enseignement de la Faculté de droit depuis 1996, où il enseigne le financement des entreprises. Il a par ailleurs créé le Fonds Ilana Lederer, qui a pour objet de développer le mentorat entre les étudiants de la Faculté et les diplômés.

Me Hobday et Me Barbeau se sont distingués au sein de la communauté de droit à McGill par leur remarquable action bénévole. La Faculté est privilégiée de pouvoir compter sur des diplômés aussi dévoués et c'est avec grande fierté que nous leur avons décerné le Prix James A. Robb le 18 juin 2012.

{ L.L. }

LE PRIX JAMES A. ROBB

Établi en 2007, le Prix James A. Robb célèbre ceux et celles qui donnent sans compter de leur temps et de leurs efforts pour appuyer la Faculté dans ses projets. Le Prix est nommé en l'honneur de **James A. Robb**, BCL'54, qui, à titre d'ex-gouverneur de McGill et d'ancien président de l'Association des diplômés de McGill, est l'un des bénévoles les mieux connus de l'Université.

LE CENTRE PAUL-ANDRÉ CRÉPEAU DE DROIT PRIVÉ ET COMPARÉ

Le 14 mars 2012, une cérémonie remplie d'émotions et de souvenirs a eu lieu dans le Grand Salon de la Faculté de droit pour célébrer le changement de nom du Centre de recherche en droit privé et comparé du Québec, dorénavant appelé le Centre Paul-André Crépeau de droit privé et comparé.

Des membres de la famille Crépeau, dont le professeur François Crépeau et sa mère, Nicole Crépeau, la principale Heather Munroe-Blum, le doyen Daniel Jutras, les anciens doyens Nicholas Kasirer, John Durnford, Rod Macdonald et William Foster, Me France Allard du Ministère de la Justice du Canada, et de nombreux membres et amis de la Faculté étaient au rendez-vous.

Ils étaient tous venus célébrer la vie et la carrière distinguée de feu Paul-André Crépeau (1926-2011), qui s'est joint à la Faculté de droit en 1959 et qui a fondé le Centre de recherche en droit privé et comparé du Québec en 1975, Centre qu'il a dirigé pendant plus de vingt ans.

Dans ses remarques, le professeur agrégé Robert Leckey, qui était directeur par intérim du Centre au moment du décès de Paul-André Crépeau, a souligné l'impact qu'a eu le professeur Crépeau sur la communauté mcgilloise, qui était d'ailleurs représentée en grand nombre à l'événement.

« C'est un moment important dans la vie du Centre, a ajouté le professeur Lionel Smith, directeur actuel du Centre. Je suis très enthousiaste à l'idée de poursuivre notre mission de recherche sous notre nouveau nom, ce qui aidera à commémorer la carrière et le patrimoine intellectuel de notre directeur-fondateur. Longue vie au Centre Crépeau! »

À la fin de la cérémonie, le doyen Daniel Jutras a dévoilé une mosaïque commémorative (ci-dessous), contenant des photos du professeur Crépeau à différents moments de sa longue carrière. Cette mosaïque sera exposée en permanence au Centre Crépeau.

[B.W.]



LYSANNE LAROSE

FACULTY NEWS FLASHES

Professor **Robert Leckey** was named William Dawson Scholar, while Professor **Adelle Blackett's** own appointment as William Dawson Scholar was renewed for a second term. The William Dawson Scholarship is a university award that recognizes the unique contributions of our colleagues. Together with Professor **Colleen Sheppard**, Blackett organized a conference in honour of Justice Westmoreland-Traoré's retirement last winter.

Last year, the Royal Society of Canada made Canada Research Chair in Law & Discourse **Desmond Manderson** a Fellow. Manderson has since left to take up a position at the Australian National University's College of Law and College of Arts & Social Sciences, but will be returning to the Faculty for a brief stay this fall as the Fern Gertrude Kennedy Visiting Scholar.

Le professeur **Frédéric Mégret** a été nommé vice-doyen à la recherche, poste qu'il occupe depuis septembre 2012. Avant l'entrée en fonction de ce dernier, le professeur **Stephen Smith** a occupé le poste à titre intérimaire.

Par ailleurs, le professeur **Pierre-Emmanuel Moyse** a accepté un mandat supplémentaire d'un an à la tête du Centre des politiques en propriété intellectuelle, tandis le professeur **Paul Dempsey** a été reconduit dans son poste de directeur du Centre de recherche en droit aérien et spatial.

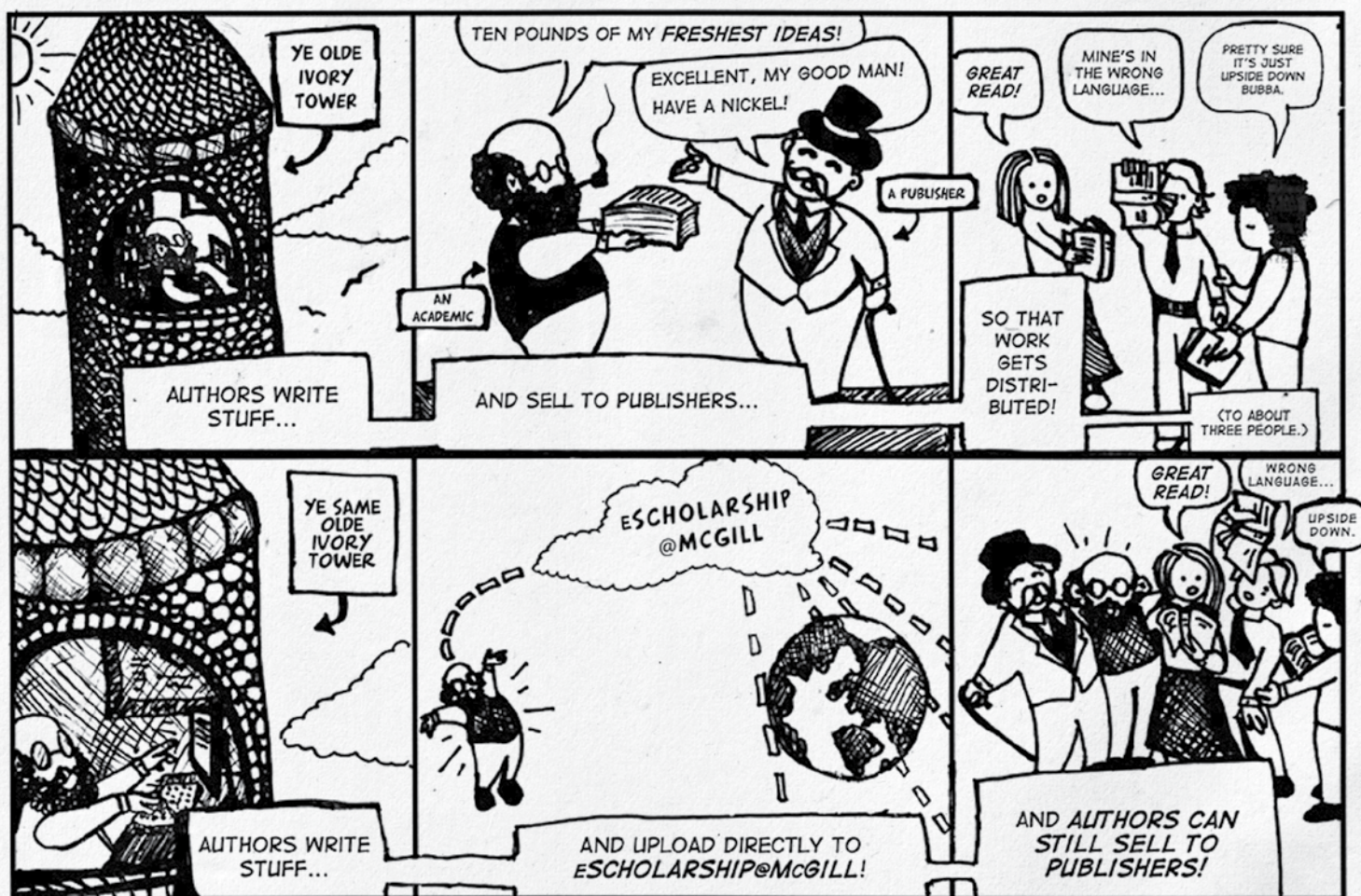
Le professeur **Lionel Smith**, directeur du Centre Crépeau et titulaire d'une Chaire James McGill, a été élu chercheur invité du All Souls College, Oxford, où il a effectué un séjour de six mois pour travailler sur un projet de recherche lié à la relation fiduciaire. Il a également été élu à titre de membre de l'Académie internationale de droit comparé.

IVORY Tower

One of the five comics created by students of Tina Piper's Intellectual & Industrial Property class—Stephen De Four-Wyre, Kirk Emery, Thomas Gagnon-van Leeuwen, Alexandra Mazgareanu and artist Megan Lee—as a public education project about the effects of copyright law on the dissemination of knowledge and everyday university activities.

The message of this one? “If professors get their coursepack materials from open-access sites, like eScholarship@McGill, rather than through Copibec, coursepack pricing could go way down.”

For more, see their website, which has gone viral, at: crackthecoursepack.tumblr.com.



AFTER 60 years THE MLJ GETS HEARD

What does the *McGill Law Journal* have in common with *Hockey Night in Canada* and Queen Elizabeth's reign? All three institutions turned 60 this year. But only the *MLJ* celebrated by starting to podcast.

After 60 years, our peer-reviewed, student-run scholarly publication is looking fresher than ever. Not only does its circulation continue to increase but, with a series of digital podcasts introduced last April, the *McGill Law Journal* made history as the first McGill student group—along with Astrophysics—to start podcasting.

A podcast is simply a digital audio clip that you can access from the Internet. The broadcasts usually come in a series via a website feed. You can listen to the podcast directly from your computer, but most people download the audio file for later listening on a portable media player such as an iPod (hence the name).

"This initiative stems from our recognition that legal ideas circulate via different media," says Will Colish, editor-in-chief of Volume 57 of the *MLJ*. "The podcasts allow us to connect with readers in a different way and to reach potential new *MLJ* subscribers."

Colish and team created a handful of podcasts last year, including clips from the *MLJ*'s Annual Lecture by Mary Dawson, BCL'66, the principal legal advisor for the Meech Lake and Charlottetown Accords, as well as interviews with former Supreme Court Justice Ian Binnie about corporate accountability, Professor Emeritus Pierre-Gabriel Jobin concerning the Good Samaritan Law, and Professor Roderick Macdonald on the impact of information technology on law.

Far from replacing the print journal, podcasts are intended as a perfect complement to it. By harnessing the power of the spoken word, podcasting allows the *MLJ* to transmit ideas about law in the original voices of the experts, all excellent speakers whose captivating delivery really shines through in a live audio recording. And podcasting also has the potential of reaching a wider audience than a print publication ever could. There are over 316 million iPad, iPod and other mobile device owners out there, all of whom are just a few clicks away from the *MLJ*'s free podcasts.

The next series will be broadcast by Marie-Ève Goulet and the editorial team of Volume 58, who hope to record one podcast per month during the academic year. Check them out at "Collections" on McGill's iTunes U platform, or visit the McGill podcast site at: podcasts.mcgill.ca/tags/mcgill-law-journal/ ■

{ B.W. }

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10
ANS - YEARS

GREATER THAN *the sum* OF ITS PARTS

Celebrating ten years of McGill's integrated B.C.L./LL.B. Program.

It was not for the faint of heart, but no adventure ever is. Ten years ago, a pioneering crew at McGill's Faculty of Law was the first ever to be awarded the integrated B.C.L./LL.B. degree. The class of 2002 had spent three years studying both the common and the civil law traditions under a trailblazing, integrated curriculum known simply as "The McGill Program." At the time, this meant a voyage into the unknown. Professors, deans and students alike opted to leave behind the familiar waters of its bilingual National Program, which had been in place since 1968, and sail off to explore a *terra incognita*. This new, "transsystemic" program of study was the result of lengthy consultation and debate during which the Faculty, under several successive deans, painstakingly revised the aims, as well as the delivery methods, of legal education at McGill. And they're not finished yet. In honour of its 10th birthday, the McGill Program is being inspected from stem to stern, from its indisputable successes to its persistent challenges, as the Faculty assesses just what this unique program has accomplished over its first decade and where it should head as we launch the second.

I. IN THE BEGINNING

"Every revolutionary idea—in science, politics, art, or whatever—seems to evoke three stages of reaction. They may be summed up by the phrases: (1) 'It's completely impossible—don't waste my time'; (2) 'It's possible, but it's not worth doing'; (3) 'I said it was a good idea all along.'"

➤ ARTHUR C. CLARKE, *The Promise of Space*

The new program was a sea change for the very aims of legal education at McGill, but it remained anchored in the Faculty's well established strengths—its unique position within Quebec and Canada made it particularly able to instruct students in the nation's two main streams of law, and in both official languages, as its "National Program" had done ably for 30 years, bridging the gap between the two solitudes that had long defined Canada. Indeed, McGill's legal education program was already bijural, bilingual, and distinctive among law schools in Canada, if not the world.

Before the McGill Program, however, the common law and the civil law "had largely been taught in separate streams, a bit like law and equity in the English tradition, running in the same riverbed with their waters never mingling," as expressed by one of the original designers of the program, Nicholas Kasirer (Dean 2003-2009). After the 1999 reform, all students starting at the Faculty of Law would be required to follow a single, 105-credit program integrating those streams into one course of study—in fact, into the same course and classroom—with more bilingualism and more "transsystemic" (a term coined at the time to indicate the integrated analysis of both systems) comparison than ever before.

As decisive as its implementation might have been, the reform can be said to have begun long before. Though Professor Roderick Macdonald (Dean 1984-1989) would credit his predecessors—particularly Deans Maxwell Cohen, F.R. Scott, John Durnford and John Brierley—for the intellectual roots of McGill's unique approach to teaching law, he himself laid much of the preliminary groundwork for the changes. Macdonald made a point of reflecting on the structure of Cohen's National Program and bringing in new faculty

members during his deanship, and has remained a central figure at the Faculty for over three decades, where he continues to inspire students as our F.R. Scott Professor of Constitutional and Public Law.

His successor as Dean, Yves-Marie Morissette (Dean 1989-1994) also played a pivotal early role. It was he who organized a committee to pursue the idea of a three-year National Program, and first articulated some key aims of the Program. In 2002, Morissette wrote that "McGill's Law Faculty, from its earliest days... has always been habited by the conviction that a great deal can be gained in legal scholarship from a sustained and humble *dialogue with otherness*." This turn of phrase, and all the intellectual possibilities it opens, has proven a key objective of legal education at McGill.

The stage had already been set for renewal, but it was under the next Dean, National Program alumnus Stephen Toope (Dean 1994-1999), that the *fin-de-siècle* reform really took shape (see page 24). Dean Toope shepherded the Faculty through a five-year consultation and review process on the controversial question "what should legal education at McGill look like at the end of the 20th century." It was a soul-searching moment for the Faculty, when professors and students alike struggled to define the desired aims of the program, and to agree on concrete means to reach them. Toope convened committee after committee to move the project along, encouraged the whole Faculty to engage with the project and, finally, saw the result: a visionary proposal for profound curricular reform, passed at Faculty Council in March of 1998.

It was Austrian-born visiting Professor Peter Leuprecht (Dean 1999-2003), however, who had the honour of serving as the first Dean of the new program, which was implemented just in time for the Faculty's 150th anniversary in September of 1999.

It was a bold move, and one that was not taken lightly. In fact, it redefined the very aims of legal education at McGill University. Its first aspiration was imparting to students a deeper understanding of the general legal policies and principles underlying any particular system of laws, so they would develop the ability to devise legal solutions that are not confined to any particular tradition, nor wed to any discrete geographical or political jurisdiction.

That's because, although it focused on the civil and common law traditions of Canada, the McGill Program was not content to be



LYSANNE LAROSE

UNE EXPÉRIENCE UNIQUE

Le professeur Vincent Forray fait le bilan de sa première année à McGill

Vincent Forray enseigne le droit des obligations contractuelles à McGill depuis septembre 2011. Auparavant, il était à l'Université de Savoie, en France, une petite université qui a établi beaucoup d'ententes internationales. «De ce fait, j'ai été naturellement amené à donner des cours ou des conférences dans des universités étrangères», explique-t-il.

Vincent Forray a donc enseigné en Espagne, en Lituanie, en Moldavie, au Brésil et en Égypte, avant d'arriver au Canada. Pour ce grand voyageur, il est essentiel et nécessaire de faire circuler la pensée.

Intéressé depuis fort longtemps par le programme transsystémique offert à McGill, c'est avec enthousiasme qu'il a accepté un poste de professeur à la Faculté de droit l'an dernier. «J'avais une attirance pour cette université dont le programme de recherche et d'enseignement juridiques m'apparaissait comme le signe d'un véritable bouillonnement intellectuel», indique-t-il.

Vincent Forray estime que l'approche pluraliste du programme transcende les différents systèmes juridiques. Pour un universitaire, il s'agit d'une expérience unique. «Cela suppose un investissement permanent. Jamais mes activités de recherche ne se sont autant intégrées à mon enseignement. Il n'est pas rare que j'entame un cours avec un livre ou un thème sur lequel je suis en train de travailler par ailleurs. Les matériaux utilisés dans la salle de classe sont plus denses, plus diversifiés aussi.» Cette méthode contraste résolument avec ce qu'il a connu auparavant au sein d'autres universités.

Quatre mots viennent à l'esprit de Vincent Forray lorsqu'on lui demande de parler du programme de droit à McGill et de ce qui le distingue : diversité, complexité, prudence et responsabilité.

«McGill m'a d'abord apporté l'expérience de la diversité juridique, et au-delà même de ce que je pouvais imaginer. J'ai le sentiment d'être entré de plain pied dans la complexité du monde d'aujourd'hui pluralisme, multiculturalisme et bilinguisme sont le quotidien de l'éducation juridique à McGill.»

«Ici, la complexité du droit n'est pas voilée et même, on en tire parti pour donner aux étudiants la possibilité de devenir des juristes plus agiles», souligne-t-il.

Quand il parle de prudence, Vincent Forray fait référence à une forme de modestie intellectuelle. «La nécessité de respecter les particularités culturelles et les différentes traditions juridiques est un bel exemple de *juris-prudence*, dans le sens le plus ancien du terme», dit-il.

En ce qui concerne la responsabilité, il termine : «L'enseignement du droit à McGill suppose un engagement, une prise de risque, donc une obligation supplémentaire. Ce programme est jeune et ne s'appuie pas sur une méthode canonique. Il y a donc une plus grande liberté d'enseignement, et du même coup, une responsabilité toujours renouvelée pour le professeur.» ■

{ EMMANUELLE GRIL }

comparative: the idea was to create a dialogue between the two systems, which would open up many more lessons, indeed many more questions, than would the mere contrast of the two systems.

"Some might say we are doing comparative law," says our James McGill Professor and Interim Associate Dean (Research), Stephen Smith, "but we don't tend to self-describe in this way. If you're interested in birds, you don't study only the birds you can find in your own backyard—and you're not a comparative ornithologist, you're just an ornithologist. This is part of the McGill mindset."

Open to not just the two main Canadian traditions but also to multiple legal cultures, the Program has been described as pluralist, cosmopolitan, transnational, universalist, even nomadic. What was hoped for was that graduates would have the ability to work effectively in any setting or jurisdiction without bias towards one tradition or another.

The McGill Program solidified one traditional aim of legal education at McGill: for the study of law to move beyond professional legal training into a valid academic pursuit or, as Kasirer phrased it, "what might be called a foundational discipline" of the University.

But beyond that, students were also expected to develop valuable skills in critical thinking and analysis, as well as the dexterity of mind to sift through any number of different legal approaches while working through a given problem.

"The goal is that, wherever they work, our graduates will be able to use the local system appropriately while understanding other ways of approaching a problem," says Professor Shauna Van Praagh. As a young Assistant Professor in 1996, she played a major role in the curricular reform project—she chaired the Ad Hoc Curriculum Review Committee whose report to Faculty Council is actually known as the "Van Praagh Report," and she was also involved in the next major step: the Curriculum Implementation Committee chaired by Professor H. Patrick Glenn, and involving



LYSANNE LAROSE

► Author of the original curriculum review report that set the stage for the reform, Professor Shauna Van Praagh (right) remains actively involved in the next phase of the McGill Program.
Left: Head Librarian Daniel Boyer.



LYSANNE LAROSE

➤ Achieving critical mass: Deans Nicholas Kasirer, John W. Durnford, Rod Macdonald, William Foster and Daniel Jutras

assemble before the Deans portrait gallery in the Common Room, with Yves-Marie Morissette pictured in the background.

Professors Kasirer and Daniel Jutras. The resulting “Glenn report” made many specific recommendations for reform and served as the foundation for the new curriculum.

In the end, the Program was local but not parochial: grounded in the local, but not confined to it. “Detaching from the local—pulling apart law from place—is the whole point of integrated teaching,” Van Praagh says. “We don’t pretend there is no such thing as the Anglo-Canadian common law and French-Quebec civil law traditions. The sources are very important—identifying them and knowing where they are. We are transgressing and respecting boundaries at the same time: not feeling bound by them, but not erasing them either. The whole idea is not to worry about boundaries as much as to focus on particular questions.”

II. ONE OF A KIND

«Étais-je convaincu de ce que je venais d'apprendre? [...] Devais-je prendre au sérieux sa résolution d'aller au centre du massif terrestre? Venais-je d'entendre les spéculations insensées d'un fou ou les déductions scientifiques d'un grand génie? En tout cela, où s'arrêtait la vérité, où commençait l'erreur?»

➤ JULES VERNE, *Voyage au centre de la Terre*

How unique is McGill’s integrated Law Program? Perhaps the students themselves are the best judges. Nicholas Choinière is a third-year student from Gatineau, Quebec, who organizes Skit Nite and is an executive at the Asia Pacific Law Association of McGill. He observes that “what makes McGill’s program so special is that it

attracts so many different people from across the country and from abroad who have different backgrounds, ages and interests.”

Indeed, McGill is known for the diversity of its student body. Every year, McGill’s Faculty of Law receives 1,500 applications for just 170 first-year spots, so it can afford to be selective, choosing the most interesting and motivated students who also have the top transcripts and LSAT scores. One-fifth of these students are admitted straight from CEGEP.

Fresh from Marianapolis, Leiba Feldman was just 18 years old when she started legal studies at McGill last fall. “I was nervous, I was intimidated and overwhelmed, sitting next to people who already had a PhD thesis published, and people who are 55 and have a law degree from another country!” she says. “But the classes are small, so we gain a real sense of community. So I tried not to be negative. On the first day, the Dean had said ‘everything is going to be ok.’ And it was. I got through it; I did it.”

“The program was overwhelming at first,” agrees Feldman’s classmate Francesca Taddeo, a native Montrealer who grew up in Rome and pursued an undergraduate degree in Canadian Studies and a Master’s degree at the London School of Economics before starting law school. “Not only are we familiarizing ourselves with a new language and concepts, but simultaneously engaging in a comparative exercise, which is a lot to take in! However, this makes the study of law very interactive. We learn to appreciate that there is no one right way of dealing with a legal problem or approaching a legal issue.”

“First year was a lot of complicated work, and it was difficult to organize myself and stay on top of everything, but not impossible,” says Lawrence Bisse, a Montrealer with an honours degree in Political Science who has become involved with the *McGill Law Journal*, the student ambassadors program and the McGill chapter



LYSANNE LAROSE

➤ Me Helena Lamed asks McGill students to think beyond the course material itself and consider: “What is the relevance of this?”

of Pro Bono Students Canada, as well as working as a research assistant for two professors. “Come January, I had renewed vigour and optimism. I saw myself starting to cultivate the sort of legal mind I was expected to have at McGill, to be able to navigate between common and civil law. Other faculties don’t do that.”

And that’s precisely why Waleed Bishouty came to McGill. A Jordanian national with a B.Sc. in computer science, he saw the advantage of knowing both the civil and the common law while working in Cairo for a company which had to keep hiring two sets of lawyers to handle international commercial arbitration claims. Of all the law schools in the world, Bishouty applied only to McGill, despite having no family in Montreal and never having visited Canada. “I’ve never experienced such cold weather,” he recalls. “I almost quit when I got swine flu that first February.” But now that he is graduating, he says, “I’ve come to understand the big picture, how the systems work, what to look for and where to look for it. These are the tools for everything I want to accomplish in the future.”

Ask any law student what makes the McGill Program special, and they quickly mention their favourite teachers. Good profs made all the difference for Bishouty. He singles out Professors Angela Campbell, Frédéric Bachand, Catherine Walsh and Fabien Gélinas for the care they take to keep students engaged. For example, he says, “Walsh can come in and teach a class without any notes. Private International Law is a dense class, but she explains the cases and material in such a way that you really ‘get it.’ She knows her stuff, and I like that.”

For Rachel Atkinson, a student from Quebec City who is starting second year, it’s Helena Lamed. “She’s a fantastic teacher, very practical and very encouraging. She knows how to take the stress out of a big presentation, she shows us that we can argue any position; just have fun with it!”. For Laure Prévost, entering her final year, it’s Professor François Crépeau. “He’s a walking encyclopedia, without being boring,” she says. “He brings out this wonderful information that just colours the syllabus. I’m from a French *Lycée* education, and he has the same *approche classique*, so it resonates with me.”

And for incoming Law Student Association President Graham Splawski: “the professors who really stand out for me are those, like Helge Dedek, who are able to bring not just the bijuridical comparison between Canadian common law and Quebec Civil law, but also different perspectives—from Germany, from Italy, from England. When you have lots of civil perspectives and lots of common law perspectives, that’s really neat.”

Splawski, who grew up in Thunder Bay, came to McGill Law with a B.A. and an M.A. in history. Now going into third year, he appreciates the fact that “the McGill program makes us more fluid in the concepts—we don’t think of one as *just* a civil law concept, another as *just* a common law concept: we think more about the problem itself, not how different systems deal with it. It allows us to take a step back and look at the systems more broadly.”

One year behind, Feldman is already starting to share Splawski’s vision. “Do I buy into the dogma of transsystemia?” she asks. “I do! But I didn’t until the end of the semester, when I started to see the underlying values that really matter. I’m a lot more confident now.”

III. THROUGH THE LOOKING GLASS

“Adventure is just bad planning.”

➤ ROALD AMUNDSEN, first explorer to sail the Northwest Passage and live to tell the tale.

It might not be impossible to teach the McGill Program—to present and discuss civil and common law approaches to every case, in every class—but it’s certainly no walk in the park. “The whole thing is exhilarating and exhausting for students, but probably for us too,” says Van Praagh.

How did the professors manage to create a bilingual, bijural classroom? “That first year, the challenge for us was simply to teach the material,” she recalls. “The short-term solution was

team-teaching: we had two professors teaching contracts: a common law prof who had never studied civil law would be paired up with a civil law professor, and vice versa.” After a year, they were on their own.

The integrated approach was first implemented in the most obvious places: basic private law classes, such as contracts, torts and extra-contractual obligations, which had been taught separately in both streams under the National Program. Professors also applied it in Evidence, Civil Procedure, Family Law and other courses. Today, all the core, first-year classes (except Property Law) are taught in an integrative, comparative manner, as well as several upper-year courses. Even courses that are not formally “transsystemic” tend to be informed by this approach, the extent of which varies according to individual professors’ inclinations.

For instance, Professor William Tetley, now retired, taught Maritime Law in the “new” McGill manner for three decades. Maritime law, Tetley has pointed out, is a complete system of law that is very readily adapted to integrative teaching and is itself transsystemic, in that it “is civilian in origin [...] and it has also been subject to great inroads by the common law in the last two centuries.”

For another example, Stephen Smith teaches advanced common law, which is not meant to be an integrated class but, as he says, “I teach as much civil as common law in that class.” He also points out that the Faculty is fortunate in having significant international expertise in-house, which enriches the scholarship of all colleagues (see “*Recherche juridique sous influence*,” page 20). “I learn huge amounts from my conversations with Helge Dedek and other colleagues from different legal traditions,” says Smith. “McGill professors draw on each others’ arguments all the time; it sharpens up what you think.”

It might be true that McGill law profs invest a disproportionate amount of time preparing lectures and custom teaching materials. This could, on one hand, take away from the time they have to produce scholarship, but on the other hand, it also enhances the richness, quality and certainly the originality of the ideas they do produce. “The program has outcomes for scholarship, and scholarship informs the program,” says Glenn, who is now the Faculty’s Peter M. Laing Chair.

Of course, teaching material from both traditions requires a certain broadening of one’s area of expertise. In rare cases, professors have actually gone back to school to learn the legal tradition they



LYSANNE LAROSE

▾ Ten years after the first class graduated from the integrated McGill Program, a new crop of students tackles a transsystemic law lecture.



THE FUTURE COMES APACE

McGill hosts a groundbreaking conference on the future of legal education

As ‘The McGill Program’ marks ten years this September, the Faculty will hold a major international conference entitled “Stateless Law? The Future of the Discipline.”

The conference “aims to reflect on how the transsystemic program has changed our understanding of law as a discipline,” says Professor **Lionel Smith**, director of the newly renamed Paul-André Crépeau Centre for Private and Comparative Law, which is organizing the conference.

“We are not going to be talking about the McGill Law program specifically,” Smith stresses, “but rather about legal education itself: How should programs be evolving? What is the place of law within the university of the future?”

Former Dean **Stephen Toope** (see interview, p. 24), one of the original architects of the McGill Program, will help address these questions as part of a plenary panel. Other confirmed guests include the eminent philosophers of law **John Gardner**, Professor of Jurisprudence in the University of Oxford, and **Ernest Weinrib**, the Cecil A. Wright Professor of Law at the University of Toronto.

Nous accueillerons également **Mireille Delmas-Marty**, titulaire de la chaire Études juridiques comparatives et internationalisation du droit au Collège de France (Paris); **Louis Assier-Andrieu** de l’École de Droit de Sciences Po (Paris); **Frédéric Zénati-Castaing** de l’Université Jean Moulin (Lyon 3); **Michele Graziadei** de l’Université de Turin (Italie); et **Hanoch Dagan**, ancien doyen de la Faculté de droit de l’Université de Tel Aviv (Israël).

Annelise Riles, the Jack G. Clarke Professor of Law in Far East Legal Studies and Professor of Anthropology at Cornell University (New York); **George A. Bermann**, Director of European Legal Studies at Columbia Law School; and the honorable **Nicholas Kasirer** of the Quebec Court of Appeal and former Dean of McGill Law, have also confirmed their participation.

These scholars, and many more, will gather to investigate innovative, transdisciplinary and transnational approaches to legal education that academics might use to adjust to the challenges of globalization and legal pluralism, and to encourage fundamentally new ways of thinking about law.

These preoccupations are all very much alive at McGill today. Nevertheless, as Smith points out, “this conference will not be an internal reflection. It’s designed to be a collective one, with a published volume of conference papers—a permanent public contribution” to the ongoing discussion.

At press time, organizers had received over 60 proposals on themes ranging from the place of law in the university, international law and the evolving idea of corporate law, to transnational commercial law in the light of human rights law and other norms. ■

{ B.W. }

STATELESS LAW? THE FUTURE OF THE DISCIPLINE

September 28 and 29, 2012 Hosted by the Paul-André Crépeau Centre for Private and Comparative Law (formerly the Quebec Research Centre of Private and Comparative Law) and the Faculty of Law of McGill University www.mcgill.ca/stateless



↘ Caylee Hong lors de son stage au Pakistan.

FROM FIELD TO FACULTY

De l'importance de la pratique

Chaque année, une douzaine d'étudiants effectuent des stages de 12 semaines organisés par le Centre pour les droits de la personne et le pluralisme juridique (CDPPJ). Ces stages sont l'occasion de mettre en pratique leur éducation en travaillant pour des ONG et des tribunaux. Ce qui distingue ce programme est la façon dont les étudiants partagent ensuite les leçons apprises sur le terrain avec leurs collègues de classe par le biais des rencontres «From Field to Faculty.»

Après leur stage, les étudiants doivent, entre autres, produire un travail de recherche et donner une présentation. Cette dernière condition est l'occasion de transmettre des connaissances de manière interactive comme l'explique Dre Nandini Ramanujam, directrice exécutive du CDPPJ : «Les stagiaires peuvent ainsi partager leurs acquis théoriques et les expériences vécues sur le terrain. Également, la communauté universitaire et le public peuvent y assister et en apprendre plus sur une thématique particulière.»

Caylee Hong a été l'une de ces stagiaires. En 2011, Caylee était chercheuse bénévole pour une ONG canadienne dans la région administrative du Gilgit-Baltistan, au Pakistan. C'est sur cette expérience qu'elle a fait sa présentation en février 2012.

Pour Caylee, il est clair que le stage représente un atout précieux : «En travaillant sur le terrain, j'ai autant appris sur une nouvelle culture, et tout ce qui en découle, que sur les relations de travail, le développement et la recherche. Mon stage m'a permis de bonifier mes connaissances et mes compétences. Ce fut très instructif.»

Jean-Paul Saucier Calderon a complété un séjour à la Cour interaméricaine des droits de l'homme au Costa Rica en 2011, où, entre autres, il a participé à la rédaction d'un arrêt sur le fond concernant la responsabilité internationale du Salvador dans la disparition forcée d'enfants lors du conflit interne qui a ravagé ce pays durant les années 1980.

Lors de sa présentation *From Field to Faculty*, Jean-Paul a abordé son parcours, son stage, ainsi que l'importance de sa formation juridique : «La pluralité juridique m'a grandement aidé à gérer le travail dans un milieu d'identités aussi diversifiées. Avoir suivi une formation qui pose au moins une dualité d'identités juridiques (droit civil et *common law*) y a été pour beaucoup.»

Devant la popularité grandissante du programme, incluant son volet de présentations dorénavant obligatoire, Dre Ramanujam souhaite que celui-ci prenne de l'expansion : «Nous aimerions offrir plus de stages, travailler sur différents sujets en lien avec le Centre et aussi développer de nouveaux partenariats.» ■

{ JULIE PERREAULT }

were missing. For instance, Lionel Smith got his LL.B. in French at the Université de Montréal while also teaching law full-time at McGill. "Teaching courses in an integrated way continues to be a challenge," says Van Praagh. "In some ways, you constantly feel like a student. But it does create a commitment to being a member of the Faculty."

There are, of course, support measures in place to help junior Faculty members adjust to integrated teaching, including a reduced teaching load for the first few years, as well as the availability of student research assistants to help them prepare materials and of senior Faculty members to provide guidance and share their own materials (for one new prof's experience, see page 12). "Like any law faculty, we must keep bringing in new people," adds Van Praagh. "Some know what they're getting into, some really don't. We help them to figure out how they will make a contribution and find their place in the community."

IV. THE VERDICT

«Le seul véritable voyage, le seul bain de Jouvence, ce ne serait pas d'aller vers de nouveaux paysages, mais d'avoir d'autres yeux, de voir l'univers avec les yeux d'un autre, de cent autres, de voir les cent univers que chacun d'eux voit, que chacun d'eux est.»

↘ MARCEL PROUST, *À la recherche du temps perdu*, Vol. V

At the 10th anniversary of the program, the Faculty has embarked on a community-wide reflection on how it has fared and where to go next. Daniel Jutras, current Dean and Wainwright Chair in Civil



↘ Current McGill students follow their law lectures using both their laptops and good old bound readings.

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Law, was one of the early actors in the design of the reform, and now leads the Faculty in this critical reassessment.

"I think the intellectual promise of the McGill Program turned out to be even greater than we had anticipated a decade ago," says Jutras. "It has forced us to think more deeply about the scope of legal education and in terms of learning outcomes. The relevant material is not predetermined; we must explain our choices to ourselves and to our students every time. In that sense, the Program is designed as a permanent work-in-progress."

The Program's founders agree that it has been a success. "I think it's panned out very well, better than I thought it would," says Glenn. "No 'horribles' have occurred. It's even become a model. I think it's proven that we were right to take that big step." But they also agree that there's no end point: "The program, as it looks now, doesn't match exactly what any of the original reports recommended," says Van Praagh. "It has been a process. Things necessarily change and are directed in different ways as time goes on. There are different pieces we can keep improving, one aspect at a time."

Where once it was fractured into streams, the Faculty is now united into a real community. "We're all in this together, aiming for the same thing," she continues, "though we don't all have the same ideas, or agree on exactly what integrated means—but conformity is not what we aim for."

Indeed, there is now much more of an *esprit de corps* in the Faculty. "The McGill Program has succeeded in making a single class out of what used to be two fairly well defined streams, of common law students from out of province and civil law students from Quebec," observes Professor Robert Leckey. A graduate of the National Program, Leckey returned to teach seven years after it had morphed into the McGill Program. "I had the sense that the crucial transformation had already taken place, that the biggest initial wrinkles had already been ironed out and that integrated teaching had, by then, been given the chance to mature."

Another great development, points out Véronique Bélanger, Assistant Dean (Strategic Planning), is how "we're able to bring in our alumni as sessional lecturers, coaches at moots, mentors, supervisors and in other roles" (for more on the first grads of the McGill Program, see page 22).

The principle of active learning has also evolved at the Faculty. Today, students receive credits for human rights internships with NGOs in the developing world (see "From Field to Faculty," page 16), as well as other learning experiences traditionally held outside the classroom, such as student exchanges with leading law faculties around the world; teaching assistantships; annual mooting competitions; clerkships with judges at the Quebec Court of Appeal, Superior Court and other tribunals; outreach programs; the McGill Legal Information Clinic; and the Faculty's student-run, peer-reviewed academic publications such as the widely respected *McGill Law Journal*, the online, open-access *McGill Journal of Law and Health*, and the cutting-edge *McGill International Journal of Sustainable Development Law and Policy*.

"It's not an exaggeration to say that the transsystemic reform has really recast the teaching and study of law," says Professor Rosalie Jukier, Associate Dean (Graduate Studies). "It has freed us from viewing law within the constraints of boundaries, silos or doctrines, and forced us to shift our focus to the broader issues, the more fundamental structures and the common themes."

Interestingly, Jukier believes that abandoning a doctrinal approach "has made us better teachers and the students better



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➤ Professor Frédéric Bachand keeps students actively engaged with the learning process in his International Arbitration law class.

learners. We still teach doctrinally, but in a much more creative, conceptual way—I do so much problem-based learning now, rather than just giving out information."

That's because when they are trying to integrate the two legal traditions that used to be taught separately, professors can no longer teach them in the same way. "You have to turn the sweater inside out," as Jukier puts it. Indeed, the program has been the impetus for a lot of pedagogical improvements (see "Conversation Starters," page 19). "We were forced to reimagine our materials, our evaluations and our pedagogy. I've been here 26 years and never before have we had such a focus on teaching as in the last few years. It's a very positive by-product of the program."

The basics still get taught—"I'm a stickler for *knowing* the law. I give tough exams and I need to see *really* strong legal reasoning," says Jukier—but now, these basics are only the beginning. Teaching the integrated McGill Program "has enabled us to do what we always wanted to do," says Jukier, which is, the Faculty agrees, to produce critical thinkers and agile minds, creative jurists who are going to re-imagine how to deal with contemporary problems of justice. "We're not trying to create robots."

V. SECOND STAR TO THE RIGHT

“Real unity tolerates dissent and rejoices in variety of outlook and tradition, recognizes that it is man’s destiny to unite and not divide.”

↳ **NORTHROP FRYE**, *The Bush Garden: Essays on the Canadian Imagination*

“One of the more gratifying things for me is to see how the program has grown over the past decade,” says Jukier. But there are still many new worlds the Faculty wishes to discover during its second decade, including interdisciplinarity, polyjurality and multilingualism, as well as the many unfamiliar lands of public law.

A) Interdisciplinarity

One innovative, if challenging goal of the program is to become more interdisciplinary. Transdisciplinarity might be a relatively undeveloped aspect of the transsystemic law program at McGill, but the Faculty does feature definite points of connection with other university disciplines. As an example, it offers two interdisciplinary programs, the Law/MBA and Law/MSW, wherein students obtain three degrees at once.

The joint program in Management and Law offered at McGill’s Desautels Faculty of Management allows students to study the

legal aspects of business administration for careers in private enterprise, consultation or public service. In contrast, the joint program offered at McGill’s School of Social Work is designed to transcend academic boundaries in social justice issues and to transmit both the legal training and interpersonal skills needed for graduates to craft innovative solutions to ongoing problems in child protection, family law, poverty law or domestic violence. There is potential for an even greater engagement with these inter-faculty programs in the future.

McGill Law was also central in the genesis of IPLAI (the McGill Institute for the Public Life of Arts and Ideas), a joint undertaking with the faculties of Law, Arts, Education, Religious Studies, the Desautels Faculty of Management, the Schulich School of Music, and the School of Architecture in the Faculty of Engineering, all intended to foster interdisciplinary research.

Likewise, McGill has several joint appointments: Our Associate Dean (Academic), Jaye Ellis, holds a joint appointment with the McGill School of Environment (MSE), Assistant Professor Vrinda Narain with the Faculty of Arts (where she is attached to the Institute for Gender, Sexuality and Feminist Studies), and Assistant Professor Victor Muñoz-Fraticelli with Political Science. Meanwhile, Professor Richard Gold, the founding co-director of our Centre for Intellectual Property Policy, also teaches at the Department of Human Genetics, and Professor Richard Janda is an associate



↳ One of the Faculty’s newest profs, Allison Christians (see page 5), teaches her first Taxation law class at McGill.

LYSANE LAROSE

member of the MSE. Indeed, Law is a partner faculty, along with Science, Arts and Agriculture, in the MSE.

In addition, Professor Margaret Somerville holds the Samuel Gale Chair at the Faculty of Law and is a full professor at the Faculty of Medicine. She also works with Professors Lara Khoury and Angela Campbell, who currently convene the McGill Research Group on Health and Law, an interdisciplinary network that brings together members of the Faculties of Law, Medicine and Social Work to share scholarship on health law and related matters.

And in new interdisciplinary developments, this fall the Faculty welcomed political philosophy Professor Daniel Weinstock, the first non-lawyer to be appointed as a full-time faculty member (see page 4), and is currently in the process of filling the Katharine A. Pearson Chair in Civil Society and Public Policy, which is tenable jointly in the Faculties of Law and Arts.

B) Beyond the Duet

Another future challenge for the McGill program is to go beyond a binary view of legal studies and truly embrace a multiplicity of perspectives and languages. "There is a lot we can still do within the courses we already offer in an integrated way, such as Contractual Obligations, by expanding the lenses and perspectives through which we teach these courses," says Jukier.

Just as it seeks to develop its interdisciplinary potential, the Faculty also desires to expand its emphasis on only two legal traditions. McGill's double BCL/LLB degree opens up worlds within the French civil law and the British common law traditions, but it risks confining the debate to a duet. The Faculty is trying to bring other voices, such as aboriginal, religious and international legal traditions, into the conversation.

It is also making a concerted effort to enlarge the presence of aboriginal legal traditions in class teachings, and participating in a formal project led by Assistant Professor Kirsten Anker, in partnership with Justice Canada, to study the inclusion of these traditions in the McGill Program.

There is even some movement on becoming a trilingual faculty by adding Spanish to the mix. The Language and the Law working group was established in 2006 to help the Faculty build bridges with legal researchers in Latin America. The former chair of that group, Professor Evan Fox-Decent, also organized a six-part Latin American Law conference series in 2008, and currently chairs the *Grupo Hispano de la Facultad de Derecho de McGill*.

This fall, the Faculty will also place a renewed emphasis on the study of religious legal traditions with, for example, the new Jewish Law Moot Court project, led by Rabbi Michael Whitman (see page 25). The Faculty has offered courses in Islamic (Sharia) law, while Christian (Canon) law and other religious legal systems are also options for McGill's uniquely integrative program of study.

C) Expansion

"There is so much potential for expanding the Program in the future," insists Van Praagh. One idea is to expand the integrated approach to graduate programs as part of the project of renewing or reinventing graduate studies in law. Another is to expand it to public law classes. The integrated teaching of public law classes is not yet institutionalized in the program the way it is for private law classes, but some professors are already experimenting with it.

For instance, it took Professor Fabien Gélinas a few years to reimagine his Constitutional Law syllabus. Now, it's a class you



▮ Professors Yaëll Emerich and Angela Campbell discuss the curriculum.

LYSANNE LAROSE

CONVERSATION STARTERS

News from the Law Teaching Network

Over the past ten years, the radical content of the McGill Program has inspired profound discussion at the Faculty. After much talk about integrating civil and common law subject matter within the same classroom, the hot topic has now become: Just *how* are we teaching it?

Enter the Law Teaching Network (LTN). "Three years ago, the Dean said he wanted to start a conversation about teaching," recalls Assistant Professor Tina Piper, who has spearheaded the LTN. "So we set up three workshops—on active learning, assessment, and teaching technologies. Out of that, people got really jazzed to talk about teaching."

Two dozen teachers, or roughly half the Faculty, started meeting in small-scale, closed-door discussion groups called "Faculty Learning Communities" (FLCs). "I got a lot out of it," says Assistant Professor Alana Klein, who participated in the Assessment of Student Learning group.

The June 2011 Faculty Retreat provided an opportunity for professors to assess the first year of the Law Teaching Network's activities, as well to discuss the desired curriculum and program outcomes. "We basically asked: Who are the students we are hoping to graduate? What attributes should they have?" recalls Piper.

The Faculty's Workgroup on Teaching and Learning Reform consulted extensively with its professors, then assembled a final list of 17 desired skills. From that, Dean Jutras undertook a more ambitious revision of the curriculum. With the current "curriculum mapping" project, the Faculty, assisted by Educational Developer Dr. Mariela Tovar of McGill's Teaching and Learning Services, is now determining which courses deliver each of these skills, and in what manner. "It gives us the chance to be more attentive to where we want the emphasis to be in our classes," says Klein. "For example, maybe I'd do better to stress 'legal analysis' less than I used to, and devote more time to teaching and evaluating another outcome, like 'becoming a citizen of the world.'"

Assistant Professor Hoi Kong has been involved with the LTN in many ways, including convening the Active Learning group. He also used one of the LTN's Experiential/Active Learning Fund microgrants to videoconference with government lawyers for one of his classes. "I think it enriched the students' learning," says Kong, "as it gave them an opportunity to interact with people who have great on-the-ground experience."

And there are many more initiatives to come. For example, the LTN's Clinical Legal Education Working Group has helped develop a new type of course to accompany student human rights internships (see "From Field to Faculty," page 16). "We're trying to broaden the scope of the project now," says Piper. "We started a good conversation. Our colleagues have been doing amazing work, rethinking their courses, and that's only going to continue." ■

{ B.W. }



LYSANNE LAROSE

RECHERCHE JURIDIQUE SOUS INFLUENCE

Stephen Smith, vice-doyen à la recherche, nous parle de la recherche juridique à McGill

Avant son arrivée à McGill, le professeur **Stephen A. Smith** ne s'intéressait qu'à la *common law*. Aujourd'hui, son travail s'oriente encore sur la *common law*, surtout en droit privé fondamental, mais avec un petit quelque chose en plus : « Enseigner à McGill, et par là, j'entends de manière transsystémique, a eu une influence décisive sur ma recherche et sur ma pensée. »

Et il n'est pas le seul à en avoir profité. À titre de vice-doyen à la recherche, il est bien placé pour constater combien cette relation symbiotique fait partie de l'approche de McGill. « La majorité des demandes de subventions que je vois ne collent pas à un seul système. Si quelqu'un travaille en *common law*, sa recherche reflète des influences civilistes, ou s'appuie sur les deux traditions sans vraiment faire de distinction. »

Stephen Smith donne en exemple **Catherine Walsh**, « une spécialiste de la *common law* qui travaille maintenant régulièrement sur des questions de droit civil »; **H. Patrick Glenn**, qui « affirme ne pas faire de droit comparé, mais simplement 'du droit' »; et **Vincent Forray** (voir page 12), qui « réfléchit à la nature même des facultés de droit—ce sont là des questions qu'on ne se pose pas quand on évolue dans une seule tradition juridique. »

Il mentionne aussi **Helge Dedek**, qui combine habilement les droits français, britannique et allemand dans son travail. « Helge doit bien être l'un des plus 'transsystémiques' d'entre nous ! » dit-il. Il ajoute que **Lionel Smith** (voir page 7) est « l'un des chercheurs les plus connus dans la *common law*, et il se forge maintenant une réputation similaire en droit civil. »

« Comme nos professeurs doivent enseigner les deux traditions, on peut difficilement imaginer que leur recherche ne soit pas influencée d'une manière ou d'une autre par cette expérience. Cette approche nous permet de voir notre propre travail dans de nouvelles perspectives. »

C'est aussi une approche fertile en idées nouvelles : « Je présente mes idées en classe, je les développe et puis j'écris... et ça me pousse parfois à réexaminer mes positions et, par conséquent, à repenser mon enseignement. C'est un cycle. »

Il cite en exemple une idée qu'il a eue lors d'un cours de droit des contrats, au cours duquel les étudiants ont remarqué que l'influence indue, un concept de *common law*, ressemblait drôlement à l'obligation de bonne foi en droit civil. « Ce que j'aime de cet exemple en particulier, explique-t-il, c'est que la notion de droit civil était en fait la meilleure explication de ce qui se passe en *common law* ! » ■

{ B.W. }

won't find anywhere else. "The course takes a novel approach to the subject," says Gélinas, the Principal Investigator of the Faculty's Private Justice and the Rule of Law research team, "by organizing the materials around general principles one can see instantiated in many jurisdictions: constitutionalism and the rule of law, separation of powers, democracy, human rights and federalism. I think this fosters a deeper and much richer understanding of law, of constitutionalism and of Canadian practices."

Likewise, Professor Frédéric Mégret, who holds the Canada Research Chair in the Law of Human Rights and Legal Pluralism at the Faculty, already uses an integrated approach to teach International Criminal Law. "You could say that this is one of the most naturally transsystemic disciplines, in that it is entirely made up of imports and transplants from domestic criminal law, with strong references to both the common law accusatorial and continental law inquisitorial models," he says. "One cannot be a good international criminal lawyer without being also a thorough comparatist. Add to that the challenge to see if a particular mix passes the international human rights law test, and you have one of the most comprehensive exercises to move beyond adherence to any particular legal tradition anywhere."

For a third example, Assistant Professor Alana Klein, who teaches Criminal Procedure, Evidence in Criminal Matters, and Law and Poverty, says she "would like to move toward an integrated approach to teaching Canadian criminal law. I think about it as I teach: What lessons does the transsystemic project have to give to the teaching of criminal law? I think that's going to be a big part of my future as a faculty member here."



LYSANNE LAROSE

Assistant Professor Alana Klein, herself a product of McGill's National Program, will endeavour to bring an integrated approach to the teaching of Criminal Law in the second decade of the McGill Program.

Clearly, the main trend for the next directions of the McGill Program is that “to be truly transsystemic, the program must evolve to become multilingual, multijurisdictional and multidisciplinary,” as Macdonald stated in 2008, or, as Kasirer also put it, to “embrace multilingualism alongside polyjurality as the Faculty outgrows bilingualism and bijuralism.”

VI. RAYONNEMENT

“I didn’t know at first that there were two languages in Canada. I just thought that there was one way to speak to my father and another to talk to my mother.”

↳ LOUIS ST-LAURENT, Prime Minister of Canada 1948 to 1957

This September, McGill’s Paul-André Crépeau Centre for Private and Comparative Law, whose mandate is, in part, to share McGill’s unique vision and practice of legal education, hosts a conference called “Stateless Law: The Future of the Discipline” (see pages 7 and 15).

This congress will look at the current ‘global law’ reform movement in legal education, wherein law schools are doing some serious soul-searching as to what a legal education should look like, “with loud debate about law schools as training grounds or theory schools, as nationally focused or globally so,” as Jutras puts it. “Because McGill Law has been practising this reform for a decade and mastered the idea of cosmopolitan law,” he continues, “in a way, it is already into the next phase.”

Indeed, as the McGill Program celebrates its 10th birthday, it’s clear that this is one law faculty that has been looking at things differently for a decade already. One wonders, therefore, what insights about the future of legal education we might have to share with the world? In sum, what have we learned in ten years?

According to the director of the Crépeau Centre and James McGill Professor Lionel Smith, “McGill is still almost alone in having a program that addresses common and civil law in an integrated way, from the first day of law school in the undergraduate program. But we try not to stand still. What’s the next stage, what do we have to do to make it better? It’s never finished. McGill is considered around the world to be a leader, and so we have to lead.”

Is the McGill “model” even exportable to places that don’t have the natural bijural context of Quebec’s mixed jurisdiction? Jukier has spoken about the Program to the American Association of Law Schools and the International Association of Law Schools and, as she reports, “they say ‘WOW! Great program, but we can’t do it—why would *our* students need to know these other systems?’ I tell them that this approach permits a particular understanding; it raises issues not considered or accepted in a monosystematic approach; and students develop more critical, analytical skills, which is something they *can* do,” says Jukier.

“It’s tough sledding, no matter how you do it. Everyone knew that from the beginning,” admits Lionel Smith. But if you ask the original architects of the McGill Program to assess if the effort was worth it, they are unequivocal. “What nobody could foresee at the time was that the McGill Program would become a model for legal education,” says Glenn. “But it has emerged as such, and now colleagues across the world know our unique curriculum by name.”



LYSANNE LAROSE

↳ Dean Daniel Jutras discussing fresh ideas for the future of the McGill Program at a recent Faculty meeting.

There is at least one Canadian school that has specifically asked for McGill’s advice as they devised their own integrated program. Three years ago, Van Praagh presented the program to the University of Victoria at the invitation of Jeremy Webber, their Canada Research Chair in Law and Society, who was McGill Law’s Associate Dean (Graduate Studies) at the time of the reform and, as former Dean Toope recalls, “was really instrumental in thinking through the complexities.”

It’s perhaps not surprising that a project to integrate the study of common law and aboriginal law in a Canadian law faculty would involve one of the prime movers of the McGill reform, ten years later. And as more and more McGill grads hoist their sails, their transsystemic training having equipped them to bring innovative, pluralistic approaches to any given professional situation, one does wonder what other waves they will make in the world.

At the very least, one can safely assume that a strong tradition of innovation will continue to shine as a beacon for the next generation of students at McGill’s Faculty of Law. “Personally,” says first-year ‘survivor’ Lawrence Bisse, “I didn’t even consider any other schools. I didn’t want to study law, I wanted to study law at McGill.” ■

{ BRIDGET WAYLAND }

10 on 10

A chat with ten of the McGill Program's first graduates, ten years after.

Almost a decade has passed since the members of the first "McGill Program" cohort graduated from the Faculty of Law at McGill. Nous voulions savoir comment ce programme exceptionnel a préparé nos diplômés pour une carrière hors du commun, que ce soit en pratique privée, dans la fonction publique ou même

au-delà des frontières du droit. And so, ten years later, *FOCUS* magazine asks ten McGill Law grads to reflect on how their career path was inspired by their bilingual training in the common and civil law traditions, in a legal education program that remains unique among law schools.



«Ce fut l'occasion d'une ouverture culturelle, puis d'une ouverture de pensée, qui, j'aime à le croire, ont fait de moi un citoyen et un avocat mieux préparé à appréhender la société actuelle dans son inexorable évolution.»

➤ **HORIA BUNDARU, BCL/LLB 2005**
Avocat en litige chez Norton Rose Canada à Montréal

"In some ways, the transsystemic program is actually "metasystemic". By learning multiple systems, and their similarities and differences, you learn how to step outside of the box that is "the law." As an advocate, this helps get to the heart of the truly important matters in issue and present my case in the most persuasive way."

➤ **JEFF FEINER, BCL/LLB 2004**
Litigation Associate at McCarthy Tétrault LLP, Toronto



"Studying law at McGill wasn't just about learning material; it was about critical thinking, both inside and outside the classroom. McGill is different, and fearless in its willingness to be so. Where else would the prescribed textbook for the first-year tort course be 'The Wrongs of Tort'?"

➤ **SHANTONA CHAUDHURY, BCL/LLB 2005**
Associate at Pape Barristers, Toronto

"Learning the law through a comparative approach forces you to think about the rationale behind the law and not just its application. This is something I always try to keep in mind, whether in submissions to the court or in talking to clients."

➤ **AUDREY BOCTOR, BCL/LLB 2005**
Litigator at Irving Mitchell Kalichman, in Montreal



«Dès ma première année de droit j'ai eu la chance extraordinaire de travailler au Centre de recherche en droit privé et comparé du Québec. J'ai toujours gardé des liens avec le Centre (aujourd'hui nommé le Centre Paul-André Crépeau) et j'y suis chercheure encore aujourd'hui, incluant un projet prodigieux ayant comme objectif de faire rayonner l'épistémologie transsystème : le 'McGill Companion to Law'.»

➤ **ALEXANDRA POPOVICI, BCL/LLB 2005**
Doctorante en droit privé à l'Université Laval et chargée de cours à la Faculté de droit de McGill

«Devant les questions que soulèvent les progrès fulgurants de la médecine [Ménard entreprend un doctorat sur le droit et l'éthique des soins pédiatriques], il est avantageux de pouvoir reconnaître que les solutions adoptées par la 'common law' et le droit civil peuvent être différentes. Plus j'acquiers d'expérience pratique, plus je crois que l'on ne saisit pas complètement une question juridique si l'on ne peut pas la considérer sous l'angle d'une autre juridiction ou d'une autre tradition.»

➤ **JEAN-FRÉDÉRIK MÉNARD, BCL/LLB 2005**
Étudiant de troisième cycle à Oxford, en Grande-Bretagne



"For me, the most memorable learning moment at the Faculty was my Civil Litigation Workshop course, given by Maître James Woods at the time. The entire semester was a preparation of a mock trial, which ended up taking place on a Saturday at the Montreal Courthouse, in a real courtroom, with a real judge. Unforgettable experience."

➤ **DENNIS GALIATSATOS, BCL/LLB 2004**
Crown Prosecutor, special cases trial team & alternate for the appeals team, in Montreal

"My transsystemic training helped me get hired at the Department of Justice and then The Hague (ICTY), where I got to work in exactly the area of law I had gone to law school to practise—international criminal and human rights law. And then I careened off a metaphorical cliff, leaving my post at the UN to pursue comedy. And being a war-crimes lawyer turned stand-up comic is the main reason I get any press. So yeah, it helps me a little every day."

➤ **JESS SALOMON, BCL/LLB 2004**
Stand-up comic, Montreal



«Dans mes années passées comme avocat à New York, je travaillais pour un cabinet international basé en Europe. L'interaction entre les juridictions de droit civil et de common law était fréquente, et j'étais un des rares avocats du bureau (les autres venaient aussi de McGill) à maîtriser les deux traditions. Comme chroniqueur, la connaissance des traditions et des perspectives françaises et britanniques sert également d'outil d'analyse utile pour quiconque s'intéresse à la politique québécoise et canadienne.»

➤ **JÉRÔME LUSSIER, BCL/LLB 2003**
Journaliste et blogueur à Montréal

«Ce programme structure notre pensée d'une façon fort différente des juristes qui n'ont pas fréquenté McGill. C'est une pensée approfondie, et non superficielle. D'ailleurs, l'on peut facilement reconnaître dans une salle de classe des étudiants ayant fréquenté la Faculté de droit de l'Université McGill et ce, par la qualité de leur raisonnement!»

➤ **MARIE-PIERRE DUCHAINE, BCL/LLB 2004**
Notaire, associée au sein du cabinet multidisciplinaire Duchaine & Associés, à Montréal



➤ We received more great responses from the first graduates of the McGill Program than we can squeeze into these printed pages. Please visit the September 2012 edition of *Focus Online* for the full story.

STEPHEN J. TOOPE, BCL'83, LLB'83

On the 10th anniversary of the McGill Program, *FOCUS* magazine catches up with one of its architects, Stephen Toope, at the University of British Columbia.

Back in 1979, a bright-eyed Montrealer named Stephen Toope walked through the doors of Chancellor Day Hall on his first day of law school. He would remain a fixture of the Faculty for the next 27 years—minus brief intermissions spent in Ottawa and Cambridge—as a student, professor and Dean. In the latter capacity, Toope helped radically reform the curriculum into what is known today as “The McGill Program,” which celebrates its 10th anniversary this year.

“I have extremely fond feelings about the Faculty of Law,” says the world-renowned scholar of international law and human rights, “because, for one thing, I was tremendously supported by its professors as a student. And I’ve always felt that McGill created my career, because it was there that I became fascinated by international law.”

As a student of the dual-degree National Program, Toope showed his mettle when, as editor-in-chief of the *McGill Law Journal*, he stood up to a senior member of the legal profession who had personally called the university to kill a controversial story. He also earned a baker’s dozen of the Faculty’s top awards, prizes, medals and scholarships, and graduated with honours in 1983. Four years later, he returned to McGill as a professor of public international law and dispute resolution, winning the John W. Durnford Teaching Excellence Award in 2001. The Faculty still remembers Toope for his energy, his engagement, his imagination and his successful leadership style—not to mention his good-natured cameos at the Law Students Association annual “Skit Nite.”

As Dean from 1994 to 1999, Toope spearheaded two major projects with a lasting impact on the Faculty: the world-class Nahum Gelber Law Library, completed in 1998, and an ambitious curriculum known as the McGill Program. “I can’t believe it’s been 10 years,” says Toope, recalling the intense discussions required to create the new program of study. “It still seems extremely fresh to me.”

To this day, the former Dean remains grateful toward his many McGill colleagues who contributed to this landmark project. Certainly, creating the McGill Program was a prolonged team effort, but as Professor H. Patrick Glenn, puts it, “Stephen Toope was the motor: if it weren’t for him, it wouldn’t have happened.”

“What was fabulous about the experience of creating the McGill Program,” Toope reflects, “was we had to talk about objectives—what are we trying to achieve? I think we showed that when you talk of education of any sort, not just legal education, you must think far beyond the substance of what you are trying to teach. This has definitely stood me in good stead, as relates to the university as a whole.”

In 2006, the Toope family (Stephen is married to Paula Rosen and they have three children) moved to Vancouver for his appointment as the 12th President and Vice-Chancellor of the University of British Columbia, one of Canada’s largest and best-ranked institutions.

In his new role, Toope has drawn on certain lessons learned at McGill. “One of the things I always felt was a tremendous strength of McGill, which struck me as a young professor, was the collegial-



MARTIN DEE

ity of the law faculty,” he says. “I’ve tried to model this since then in building up the teams of people working around me.”

Toope also stresses the importance for a university, and particularly a law faculty, of “opening up another set of legal traditions” as McGill does. He strongly supports UBC’s Centre for Asian Legal Studies, which examines the practices of Korea, Japan, China and Southeast Asia. After all, for Toope, “one of the greatest strengths of McGill’s transsystemic program is the idea that there is not necessarily a single solution to a given problem, and that one’s own discipline doesn’t provide all the answers.”

When he flies back to *la belle province* for the Faculty’s “Stateless Law” conference this September, Toope will speak about the place of legal education within the university. “One of the things the McGill Program opens up,” he remarks, “is a recognition that Law is closely related to other disciplines within the university, and that Law is properly a university discipline.”

During his two terms as President of UBC, Toope has remained active in international law and human rights while also chairing the board of the Association of Universities and Colleges of Canada, among many other bodies, from his new base on the west coast. But Toope remains a Montrealer at heart. “There is something about Montreal that gets under the skin,” he admits. “It’s a very exciting and demanding city. There is always a political edge to everything that happens: It’s hard to be complacent in Montreal. And I think McGill is strengthened by that.” ■

{ B.W. }

“When you talk of education of any sort, not just legal education, you must think far beyond the substance of what you are trying to teach.”

FUNDING NEWS

A Year of Giving Generously

McGill Law alumni have been remarkably generous to the Faculty this year. Individual donors made several significant donations, and nine local law firms gave enthusiastically to unique initiatives developed in concert with the Alumni and Development Office.

Over the past year, McGill graduates at the firms of Robinson Sheppard Shapiro; Lapointe, Rosenstein, Marchand and Melançon; Stikeman Elliott; Davies Ward Phillips & Vineberg; McCarthy Tétrault; and Borden Ladner Gervais have created six distinct new funds, joining their *confrères* at the firms of Fasken Martineau, Ogilvy Renault (now Norton Rose) and Osler, Hoskin & Harcourt, who have continued to support the funds they established in 2009-10 (see story in *Focus* 2009).

It's all part of Campaign McGill, a fundraising drive in which all faculties are helping the University reach its \$750-million objective by 2013. The Faculty of Law has now contributed over \$35-million to that goal. "We're very pleased to have launched and concluded six campaigns this year," says Matias Duque, Associate Director of Development at the Faculty of Law. "And we're looking forward to continuing next year," adds colleague Ester Driham. In fact, the Development team is in the initial stages of close to a dozen more projects with national law firms for the upcoming year.

In November 2011, the firm of Robinson Sheppard Shapiro announced an Endowment Fund worth \$120,000, dedicated to financing student participation in national moot competition. The gift was intended both as a celebration of the firm's 90th anniversary and as "an indication of the appreciation we have for our university education, which allowed us access to a professional life filled with joy and personal satisfaction," said Managing Partner and CEO **Charles Flam**, BCL'66.

Also in 2011, Lapointe, Rosenstein, Marchand and Melançon (LRMM) made the lead gift toward a scholarship in honour of **Alexander S. Konigsberg QC**, BCL'63. Konigsberg was a graduate and former course lecturer at the Faculty, a founding partner of Lapointe Rosenstein and one of the most outstanding franchise lawyers in North America. Family and friends were instrumental in starting up the initiative. Together with Konigsberg's classmates, fraternity brothers and former clients, they have already raised \$150,000 for the Alex Konigsberg Management and Law Scholarship.

ALUMNI MAKING A DIFFERENCE

McGill Law is grateful for many contributions from individual alumni this year, several of whom deserve particular mention for their impact on the future of the Faculty.

The new Hoffmann-Eakin Bursary is a \$50,000 endowed gift from **Joan Eakin**, BA'70, MA'73, PhD'80, and **Christopher Hoffman**, BSc'69, BCL'74, LLB'79, to be used at the Dean's discretion to benefit students in need. "Our thinking was that this fund would allow the Faculty to assist students who encounter financial challenges during the school year," said Hoffman. The couple has made a similar arrangement with the Faculty of Arts, of which Eakin is a graduate. "A great deal of the good fortune I've had in my life is a result of my McGill education," adds Hoffman, "so I wanted to give a little bit back." Hoffman and Eakin expressed hopes that their gift would help inspire other donors to help students in need at McGill.

The Faculty is also grateful to **Susan Wells Tunnell**, BCL'96, LLB'96. As a young graduate, she relocated to California to work in the information technology group at Cooley Godward LLP, and later at UC Hastings College of the Law, but the Faculty was never far from her thoughts. Indeed, Wells Tunnell co-organized a Coffee House in the Common Room for her ten-year class reunion and, a few years later,

hosted a law alumni gathering at her San Francisco home. She has now volunteered to assist the alumni office in developing a better sense of community among grads in Northern California. After a meeting with her former professor, Daniel Jutras, that left Wells Tunnell impressed with the Faculty's progress and ambitions, she and her husband, **David Tunnell**, made a \$200,000 gift this year to the Development Fund, a vital resource allowing the Dean to support pressing needs and opportunities throughout the year.

Finally, thanks to a generous gift from the Lederman Foundation, McGill will hold a Jewish Law Moot Court in 2012-13, as the first initiative of a wider project to study Jewish law and its relevance in an innovative teaching and learning environment. Participating McGill students will explore the sources, structures and scholarship of Jewish law with the guidance of Rabbi Michael Whitman, a learned scholar of Jewish Law. The course will involve both written and oral argument within the context of a fictitious case, culminating in a public moot court competition. "I thought the gift should be dedicated to demonstrating how much Jewish law has contributed to society," says **Susan Orenstein Little**, BCL'76, LLB'77, one of the directors of the Lederman Foundation.

Award and aim to reach \$200,000 by year's end. The award will go to a student entering the joint MBA/Law program, offered by the Faculty of Law and the Desautels Faculty of Management.

In the early months of 2012, the Faculty announced the creation of a second new scholarship and bursary fund, in memory of **Gary Nachshen**, BCL'87, LLB'87. His family, as well as more than 100 friends, fellow classmates and colleagues from Stikeman Elliot, where Nachshen had worked since he articulated there as a McGill student in 1986, raised \$160,000 for the Gary Nachshen Memorial Fund. This immense effort was organized by a friend of the family, **Donald Belovich**, partner at Stikeman Elliot in Toronto, and **Marc Barbeau**, BCL'84, LLB'84, partner in Montreal as well as lecturer at the Faculty (see page 6). Comprised of an Entrance Bursary and a Journals of Law Prize, the Memorial Fund is intended to reflect Nachshen's dedication and love for the practice of law, his commitment to excellence, and his connection to McGill's Faculty of Law, including its student-run law journals.

In the spring, we announced the creation of the Davies Ward Phillips & Vineberg Fund for Community Engagement. This \$460,000 endowed gift will provide bursaries to students enrolled in the Faculty's six-credit Legal Clinic Course, which allows upper-year students to provide pro bono legal information in disadvantaged communities. "Work carried out by participating students will have a direct and immediate impact on people who may not otherwise have access to legal information," said partner **Hillel Rosen**, BCL'85, LLB'85.

This July, the venerable Montreal firm of McCarthy Tétrault created an endowed fund devoted to the development of law and business practice skills among McGill law students. Worth over

\$450,000, the McCarthy Tétrault Fund for Innovative Legal Education will support lectures, workshops, practical training in business, financial or commercial settings, and business education programs for legal professionals, as part of a cutting-edge legal program geared toward commercial law. Special thanks are due to McGill's champions at the firm, **Sonia Struthers**, BCL'87, LLB'87, and **Robert Metcalfe**, BCL'85, LLB'85, in Montreal, as well as **Brian Pel**, LLB'85, in Toronto, whose invaluable volunteer work enabled the campaign to be the success that it is.

And finally, the firm of Borden Ladner Gervais (BLG) continues to invest in the Faculty with which it has a long, close history. The BLG Fund for Private and Comparative Law is an endowment worth some \$450,000 (funds were still coming in at press time), that will support McGill's renowned Paul-André Crépeau Research Centre of Private and Comparative Law in its mission of promoting the civilian tradition in Canada. The new fund will finance a series of major conferences, workshops and research fellowships to doctoral and postdoctoral students. McGill is grateful to the eight BLG lawyers who comprised the Montreal-based fundraising committee, led by **John Godber**, BCL'88, LLB'88.

Eager to make a difference, these nine firms—and their large numbers of McGill alumni—have developed unique, meaningful projects to which they can enthusiastically contribute as part of their commitment towards investing in legal education. "McGill has some real champions working within these firms," says Development Officer Ester Driham. "They love the Law Faculty, and they really carry that spirit of giving back." ■

{ B.W. }

➤ If you would like to support the Faculty of Law, please contact Ester Driham at the Development Office: 514-398-1897 or ester.driham@mcgill.ca

WHAT'S NEW AT THE IASL

SPACE SECURITY THROUGH THE RULE OF LAW

Exciting things are being launched at McGill's Institute of Air and Space Law (IASL), home of the most advanced graduate Space Law program on the planet. For the last five years, the world-class institute has benefited from significant funds to support graduate and postgraduate fellowships in space governance, as well as for conferences (the joint McGill University and University of Cologne International Congress on Space Debris, 2009 and 2011), and mooted competitions.

The funds came from a most generous gift of the Erin J.C. Arsenaault Trust to the Friends of McGill in New York, which the University directed to support the Space Law activities of the Institute. Says Ram Jakhu, Professor at the IASL, "the funds were used for recruiting postdocs (see "A Tale of Two Arsenaults," opposite), providing fellowships for masters and doctoral studies, and research, publications and outreach activities related to space law."

A significant portion of the funds was earmarked for training and outreach. The IASL continues to hold major conferences and fund important studies on space governance and the sustainable use of outer space, particularly related to space debris and other environmental problems, the development of new international norms in space law, the development of a model national space code and the Law of Armed Conflict as it relates to outer space. The IASL has also set up Fellowships in Space Governance to bring young scholars from around the world to research topics in Space Law and its peaceful use, at the master's, doctoral and postdoctoral levels.

With such steadfast support for its mission, that "global space security—in the form of sustainability, stability, freedom of access and use of outer space—ought to be achieved through the rule of law," the sky's the limit at the IASL.

THE LASTING IMPACT OF GIFTS TO THE FACULTY

A Tale of Two Arsenaults

A salute to our two first Erin J.C. Arsenault postdoctoral research fellows in Space Governance, Catherine Doldirina and Yaw Nyampong.



LYSANNE LAROSE

This summer, the Faculty bade a fond farewell to its two first Erin J.C. Arsenault postdoctoral research fellows, who have become integral members of the McGill Law community during their productive years at the IASL.

Our first-ever Arsenault fellow, Yaw Nyampong, LL.M.'05, DCL'11, practiced law and worked as external counsel for the Civil Aviation Authority in his native Ghana for several years before coming to McGill to begin his master of laws degree in Air and Space Law in 2003. He enrolled in the doctoral program in 2006, again at the IASL.

There, he was joined in 2007 by Catherine Doldirina, DCL'11, the Faculty's second Arsenault fellow. Originally from Georgia, an independent republic of the former Soviet Union, Doldirina was a researcher for the IASL's Space Security Index project for four years, as well as a teaching fellow in 2010-11.

Nyampong's doctoral dissertation focused on air law, but he collaborated with Professors Ram Jakhu and Paul Dempsey on a number of space law projects. After receiving his doctorate, he "made a full transition into space law by accepting a generous one-year Arsenault Postdoctoral Fellowship on global governance in space."

Doldirina defended her own thesis, "Common Good and Access to Remote Sensing Data," in September 2011, then pursued post-doctoral research as an Arsenault fellow on the principle of free and unrestricted access to the data from GEOSS (the Geographic

Earth Observation System of Systems), an issue described in these pages last year ("The View From Above: Untangling the property rights over space-generated data").

In contrast, Nyampong's research has focused mainly on the environmental aspects of the exploration and use of outer space, particularly the problem of space debris. "The IASL provided generous funding and support for me to carry out research on various aspects of the space-debris problem and to disseminate the results of my research in many places around the world," he says.

He also helped organize the third Space Debris Congress in October 2011, and taught a graduate-level seminar on Government Regulation of Space Activities in the winter 2012 term. "I aspire to pursue an academic career in the law," Nyampong continues, "and I am grateful for the generous support and numerous opportunities provided by the IASL's Arsenault Fellowship, which I think have enabled me to better prepare myself for such a career."

"The Arsenault Fellowship was a wonderful opportunity to participate in the activities of the Institute and get engaged in doing some meaningful research in the field of space law and global governance," says Doldirina. "I was also able to travel around the world to present the results of my research and get visibility in the space law community. I met great people and made some friends for life."

{ B.W. }

H. Digby Clarke, BCL'59
 Gérard Corbeil, BCL'48
 J. L. Serge Desrochers, BCL'59
 Alexandra Dodger, BCL/LLB'11
 Nelson Eshleman, LLB'87
 Irving I. Finkelberg, BCL'57
 Lawrence Fligel, BCL'61
 Frank J. Flynn, LLB'56
 André J. Galipeault, CM, BCL'59
 Pierre A. Godin, BCL'55
 Nicolas J. Hadjipateras, BCL'57
 The Hon. Irving J. Halperin, BCL'52
 George B. Houston, BCL'51
 L. Junchul Kihmm, LLB'69
 Vincent Willem Kooiman, BCL'59
 Eric M. Lack, BCL'56
 J. Campbell Laing, BCL'50
 The Hon. Anatole Lesyk, BCL'58
 David L. McIninch, BCL'69
 Herbert B. McNally QC, BCL'55
 Stephen Francis McNamee, BCL'89, LLB'89
 Léonard Melanson, BCL'60
 Francis Xavier Moloney, BCL'89, LLB'89
 Felice Pascal (née Ashmele), BCL'86, LLB'86
 John Pope, BCL'65
 Maximiliano Prado Donoso, LLB'98
 Alex Raider, BCL'51
 Lilian Reinblatt (née Rabinovitch), BCL'61
 Leo Paul Roy, BCL'83
 Irwin Schnaiberg, BCL'67
 John Arthur Webster, LLB'80
 Joel Weitzman, BCL'69

THE 70s

➤ **STUART H. COBBETT**, BCL'72, associé au bureau de Montréal de Stikeman Elliot, a été nommé *Advocatus Emeritus* par le Barreau du Québec en 2011. M. Cobbett, qui pratique le droit des sociétés et des affaires, a été professeur à temps partiel de 1976 à 1985 à la Faculté de droit de McGill, où il a enseigné le droit bancaire. Il est président du Conseil des gouverneurs de l'Université McGill et a été un membre actif de son Association des diplômés qu'il a présidée en 2002-2003. Il a depuis assumé la présidence du comité consultatif de la revue *McGill News* et du Conseil des visiteurs de la Faculté des arts.



Outremont MP **THOMAS MULCAIR**, BCL'76, LLB'77, became the second McGill alum in a row to lead Canada's New Democratic Party and Her Majesty's Loyal Opposition in the House of Commons in March 2012. Mulcair, who also served as a Quebec cabinet minister under Premier Jean Charest, succeeds the late Jack Layton, BA'71.

➤ **LARRY HERMAN**, BCL'75, LLB'76, was appointed deputy banking ombudsman for the ADR Chambers Banking Ombuds Office last year. Herman has been a roster mediator in the Ontario Superior Court of Justice Mandatory Mediation Program (Toronto and Ottawa regions) since 2000 and is a recent recipient of

the chartered mediator designation by the ASR Institute of Canada.

- Après une longue carrière principalement en Asie au sein du groupe TOTAL, **HUBERT DE MESTIER DU BOURG**, LLB'70, DCL'74, a terminé son parcours comme Délégué général du groupe en Asie du Nord-Est (Japon, Corée, Taiwan) et Président de la Chambre de commerce et d'Industrie française au Japon en prenant sa retraite en 2007. Depuis, il est professeur invité dans les universités de Waseda et de Tokyo, et bientôt à l'Université de Niigata.
- **SARAH E. PEPALL**, LLB'76, a judge of the Superior Court of Justice sitting in Toronto since 1999, was appointed to the Ontario Court of Appeal in April 2012. Previously, she had been a partner at McMillan Binch where she practised civil and commercial litigation.
- **BARRY SELTZER**, LLB'79, is the coauthor of *Fat Cats and Lucky Dogs: How to Leave (Some of Your) Estate to Your Pet* (Prism Publishing). The book provides guidance to those who would like to explore planning possibilities for their families and pets.
- **IAN M. SOLLOWAY**, BCL'73, a Montreal family law practitioner, has been re-elected to a 4th consecutive term as Chair of the English-Speaking Section of the Bar of Montreal for 2012-2013. Solloway, who has been a Fellow of the International Academy of Matrimonial Lawyers since 1992, was also on the organizing committee for the 7th World Cities Bar Leaders Conference that took place in Montreal in September 2011.

MOUNTAIN TIME—Two of our alums who are reaching higher write in...



In late May, **Sandra Leduc**, BCL'99, LLB'99, reached the summit of Mount Everest, after a wrenching climb. Having already scaled Denali in Alaska, Aconcagua in Argentina, Elbrus in Russia, and Kilimanjaro in Tanzania, Leduc has now conquered five of the seven summits—the highest mountains on each continent. A counsel at Justice Canada, Leduc has been working with the Canadian Embassy in Afghanistan as a political officer on Rule of Law matters for the past two years. After Everest, she will head for the Canadian Mission in Ramallah (Palestinian Territories) to act as its Legal Reform Advisor. To the best of our knowledge, Sandra is the first McGill Law alum to tackle Everest.

In August 2011, **Taras Kulish**, BCL'89, LLB'89, and his family relocated to the French part of Switzerland for a two-year period. Maintaining his association with Toronto firm Steinberg Morton Hope & Israel LLP, Kulish also moved his files with him. Due to the time difference, Kulish reports he can ski in the Swiss Alps from morning till three in the afternoon, then consult with his business and trademark clients through the magic of the Internet, SKYPE, BlackBerry and a good Swiss cell phone plan.



➤ **NORMAN STEINBERG**, BCL'75, became Norton Rose Group's Chairman in May 2012. Steinberg is currently Chairman of Norton Rose Canada LLP and a member of Norton Rose Group's Supervisory Board, as well as an *ex officio* member of Norton Rose Canada LLP's Management Committee. His new role is part of the global management of the Group. In addition, Steinberg now chairs the Faculty Advisory Board, replacing James Woods.

➤ **FRANK L.M. VAN DE CRAEN**, LL.M.'78, returned recently to Brussels after two postings abroad as Ambassador of the Kingdom of Belgium, in Bolivia (2003-2006) and in Malaysia (2006-2011). Dr Van de Craen has been appointed Director for Latin America and the Caribbean in the Foreign Affairs Ministry.

THE 80s

➤ **GEETA BHARADIA**, QC, LL.B.'89, was appointed as full-time Commissioner for a three-year term at the Alberta Human Rights Commission in September 2011 and was made Queen's Counsel in December. Bharadia was the lead family lawyer at Bennett Jones for several years. Throughout her 22 years of practice, Bharadia has actively promoted alternate dispute resolution in Alberta. Bharadia is also a member of McGill's Scarlet Key Society.

➤ **CHRISTIAN COUTURIER**, BCL'81, LL.B.'81, was named vice-president of the board of directors of the Groupe de Droit Collaboratif du Québec. Couturier currently practices collaborative family law, civil, commercial, and family mediation, out of court negotiation, and is also a trainer in collaborative family law.

➤ L'honorable **THOMAS M. DAVIS**, BCL'80, LL.B.'80, de chez Borden Ladner Gervais à Montréal, a été nommé juge puîné à la Cour supérieure du Québec, district de Montréal, en octobre 2011. Monsieur le juge Davis est chargé de cours en droit du travail à la Faculté depuis 2001.

➤ **JEFFREY F. EDWARDS**, BCL'86, LL.B.'86, was appointed adjunct professor at the Faculty, where he has taught for more than 10 years as a sessional instructor. He recently published *La garantie de qualité du vendeur en droit québécois*, 2nd ed (Wilson & Lafleur). Edwards remains full-time partner and head of the litigation department at Tutino Edwards Joseph, where he also acts as arbitrator and mediator in construction and product liability law.



MARTINE TURCOTTE, BCL'82, LL.B.'82, vice-présidente exécutive chez Bell Canada, était l'invitée d'honneur d'une conférence

organisée par la *Directors' Roundtable* au Club facultaire de l'Université McGill en mai 2012. Mme Turcotte est chef principale du service juridique de Bell depuis 1999. Dans ce poste et, depuis 2008, à titre de chef des affaires juridiques et des questions de réglementation, elle a dirigé l'un des plus vastes services juridiques d'entreprise au Canada. Plus tôt dans sa carrière, elle a été associée au cabinet McCarthy Tétrault.

➤ **ANDREW FOTI**, LL.B.'86, was appointed Senior VP, General Counsel and Corporate Secretary of Nordion Inc. in April 2011. Nordion supplies diagnostic imaging, radiopharmaceutical and sterilization products in over 60 countries worldwide. Previously, Foti was in private practice in Ottawa as a partner with Gowling Lafleur Henderson.

➤ **CLÉMENT GASCON**, BCL'81, juge puîné de la Cour supérieure du Québec, a été nommé à la Cour d'appel en avril 2012. Monsieur le juge Gascon, qui avait été nommé à la Cour supérieure du Québec en 2002, est membre (et juge coordonnateur) de la Division du droit commercial de la Cour supérieure. Avant sa nomination, il pratiquait le droit chez Heenan Blaikie.

➤ **THERESA M. GIBBONS**, LL.B.'89, recently joined Lemery Greisler of Saratoga Springs. Gibbons has spent 20 years in private practice in U.S. immigration law and related corporate matters. A dual citizen of the United States and Canada, she offers expertise in professional business immigration as well as corporate structure matters related to immigration.

➤ **DIMITRI MASTROCOLA**, BCL'89, LL.B.'89, was promoted to partner of Major, Lindsey & Africa (MLA) in May 2010. Formally with Fasken Martineau in Montreal, and Shearman & Sterling and Citigroup in New York, Mastrocola is a preeminent legal recruiter on Wall Street and beyond. Mastrocola regularly handles corporate counsel search assignments for hedge funds, private

equity firms, proprietary trading firms, broker-dealers and corporate/investment banks.

➤ **LORRAINE PILON**, BCL'88, is the executive vice president, corporate affairs, and secretary of the Banque Laurentienne. Pilon joined the bank in 1990, initially working in legal affairs. She earned an executive MBA from UQAM and an undergraduate degree in administration from the Mississippi University for Women.

➤ **GREGORY D. WILLIAMS**, LL.B.'81, joined Pepper Hamilton as a partner in the intellectual property practice group last year. Williams specializes in the life science sector, focusing on intellectual property acquisition and management. Previously, he worked at New England Biolabs, Inc. as general counsel, as former chief IP counsel, and as a senior member of its global business development team.

THE 90s

➤ **ALEXANDER BAYER**, LL.M.'98, became a partner at Wragge & Co, focusing on IP and IT law. In 2008, he was appointed to open the firm's first continental Europe office in Munich and established a new branch for the U.K. law firm. Bayer got married the same year and is now a proud parent of a 2-year-old daughter, Johanna.

➤ **SUNNY HANDA**, LL.M.'95, DCL'98, published a new book in the field of computer and IT law in January 2012. *Legal Protection of Software: Patents and Trade-marks* is a reference guide to patents and trademarks as they relate to software protection in Canada, as well as in the US, UK, Europe and Japan. In addition, Handa was recently the general editor of *Electronic Evidence and E-Discovery*, which examines the emerging issues surrounding electronic information in a litigation setting



RENÉE THÉRIAULT, BCL'93, LL.B.'93, s'est récemment jointe à la Direction générale du droit de la Cour suprême du Canada, après plus de quinze ans en pratique

privée dans le domaine de l'arbitrage international, notamment au sein des cabinets Norton Rose OR à Ottawa et Shearman & Sterling à Paris.

➤ **FRED W. HEADON**, LLB'96, BCL'96, is the senior counsel for labour and employment law at Air Canada. He was elected second VP of the Canadian Bar Association in March 2011. The second vice-presidency is the first step on the ladder to the presidency, which he will assume in 2013. He is the first in-house counsel to be elected to this position.

➤ **JAMES D. HUGHES**, BCL'90, was appointed President of the Graham Boeckh Foundation. The Foundation aims to improve the lives of those suffering from mental illness. He previously served as Deputy Minister of New Brunswick's Department of Social Development, where he played a central role in the development of the province's poverty reduction strategy. Prior, he was Director General of the Old Brewery Mission (2004-2008).

➤ **RON LEVI**, BCL'94, LLB'94, has been appointed the George Ignatieff Chair in Peace and Conflict Studies at the University of Toronto. A faculty member of the Centre for Criminology and Socio-legal Studies, with cross-appointments in political science and sociology, Levi focuses on global justice, crime and politics, and legal and institutional responses to mass atrocities.

➤ **MARC PETRICK**, BCL'94, LLB'94, joined Manulife Financial as Counsel, Group Benefits Litigation in July 2010, after a stint at the Department of Justice.

➤ **SHANNON ROGERS**, BCL'96, LLB'96, was named Canada's Top Female Entrepreneur by *Profit* magazine in December 2011. Rogers, president of Global Relay Communications, a firm specializing in cloud-based archiving, topped a list that included 99 other competitors to clinch the magazine's top spot. Before joining Global Relay, Rogers worked as a lawyer in Toronto.

➤ **JOHN SYPNOWICH**, BCL'91, LLB'91, became VP Legal and Corporate Secretary of CSL Group in January 2012. Based in Montreal, CSL is a world-leading provider of marine dry bulk cargo handling and delivery services. Sypnowich joined CSL in December 2008 as Director of Legal Affairs. Prior to joining CSL, he held senior legal roles at other major Canadian corporations.

THE 00s

➤ **ANDREA CARSKA-SHEPPARD**, BCL/LLB'02, an attorney in Smith Moore Leatherwood's Raleigh, NC, office, was recently



PHELPS T. TURNER, BCL/LLB'07, became an attorney at Sugarman, Rogers, Barshak & Cohen, a Boston-based civil litigation firm, in January 2012. Turner

focuses his practice on environmental and real estate litigation, as well as insurance coverage disputes. Prior to joining SRBC, Turner was environmental counsel at a national insurance company and was an associate in the environmental law group at one of Canada's leading law firms.

appointed by the International Olympic Committee (IOC) to the Women and Sport Commission. Members of the Commission advise the IOC Executive Board on policies relating to women in sports and promoting the role of women in sports.

➤ **JODI ETTEMBERG**, BCL'02, LLB'02, was featured in a interview in the *New York Times* in February 2012, about her globe-trotting life as a travel blogger and consultant. Ettenberg left her NYC lawyer position in 2008 and bought a one-way ticket to Chile. She has been travelling the world ever since, and her blog, LegalNomads.com, has become a resource for those with similar ambitions.

➤ **JOSHUA KRANE**, BCL/LLB'09 (chez Blake, Cassels & Graydon), et Michael Lubetsky, BCL/LLB'09 (chez Davies Ward Phillips & Vineberg), se sont mérités le Prix Germain-Brière 2011 pour leur article *Reopening the Langelier-Mignault Debate on Unauthorized Transactions Involving a Minor's Property* dans la *Revue générale de droit*.

➤ **STEPHANE LEVY**, BCL'02, LLB'02, was elected partner at Cooley in late 2011. Levy, who joined the firm's NYC offices in 2009, concentrates his practice on emerging growth technology companies and has represented technology and life science companies, venture capital firms and leading investment banks in numerous private and public offerings of securities as well as mergers and acquisitions.

➤ **ATARA MILLER**, BCL'02, LLB'02, was elected partner at Milbank, Tweed, Hadley & McCloy in early 2012,

where she is a member of the New York office's Litigation Group. Miller's practice encompasses a range of complex commercial litigation involving international, bankruptcy, corporate governance and securities matters.

➤ **MOHAMMED NSOUR**, DCL'09, is currently Assistant Professor of Private Law at the Faculty of Law of the University of Jordan in Amman, and a lawyer at Nsour & Associates.

➤ **IAN G. PHILIP**, BCL/LLB'07, has been selected as one of 17 promising young Canadians who will serve as 2011 Action Canada Fellows. He is an international trade litigator with the Canadian Department of Foreign Affairs. Formerly, Philip was a UN legal and political advisor in the Middle East, and from 2005 to 2007, he was part of the UN's humanitarian relief effort in Iraq.

THE 10s

➤ **DANIEL GIRLANDO**, BCL/LLB'10, became an associate in the Health Law Group at BLG's Toronto office in 2011, where he had previously summered and articulated. Girlando practices health law and commercial litigation.

➤ **JOHN LENNARD**, BCL/LLB'11, a été embauché comme avocat en 2011 chez Davies. Membre du groupe de pratique en fiscalité, il travaille sur des dossiers portant sur la fiscalité à l'échelle nationale et internationale, la restructuration d'entreprises, les taxes, la planification successorale et la fiscalité des régimes de retraite.

➤ **WELA QUAN**, BCL/LLB'10, joined Osler's NYC offices in 2011, where her practice focuses on mergers and acquisitions, corporate finance and securities, as well as general corporate matters related to Asia.



DUSTIN MILLIGAN, BCL/LLB'10, has written a charming series of children's books to introduce them to the basic principles of the Canadian Charter and

amuse their parents as well. See www.dc-canada.ca/charterforchildren.html.

CHARLENE WILLIAMS PHOTOGRAPHY

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CLOSING argument conclusions FINALES



LYSANNE LAROSE

I am told that when you reach “a certain age,” it is quite normal to be introspective on your birthday. I have indisputably reached that age. Although it is only celebrating its 10th anniversary, the McGill Program is also old enough to reflect for a moment on its past and its future.

Il y a un peu plus de quinze ans s’amorçait une réflexion approfondie sur la réforme du programme de premier cycle à la Faculté. Pour ceux et celles qui participaient à cette réflexion—les profs, le corps étudiant, les diplômés—l’intégration croissante de l’enseignement du droit civil et de la *common law* constituait une progression logique et nécessaire, bâtie sur les extraordinaires succès du Programme National.

I remember delivering a paper at a legal education conference in the Caribbean—academic life is not always monastic—outlining our plans to bring a delocalized, pluralistic perspective to the teaching of even foundational, first-year subjects. On the panel with me was a very senior professor from the U.K., who set aside his own paper in order to pour ridicule over the idea of teaching across traditional, cultural and systemic boundaries. He had an extraordinary range and mastery of negative epithets in the English language.

À l’heure qu’il est, les fondements du programme de McGill—cosmopolite, bilingue, humaniste, plaçant la Faculté au centre de l’Université—font désormais partie du paysage de l’enseignement supérieur dans le champ juridique. Many law schools now have “global” aspirations and introduce transnational and comparative law into the core of their programs. The presence of the “other” in every aspect of legal knowledge, which my senior British colleague could only see as a source of confusion, is now forcing everyone to redefine what it means to train jurists.

Because of what we did ten years ago, McGill is very much at the forefront of this redefinition. The successes of our alumni, not to mention the insights that continue to emerge from research and teaching at the Faculty, confirm that the creation of the McGill Program was the right move—and not because it provided all the right answers, but because it posed all the right questions: in this changing world, what should lawyers know? What should they care about? And what is their distinctive contribution to governance and justice?

Nous continuons à réfléchir à ces questions et aux réponses possibles. Notre défi est d’offrir un modèle de l’enseignement et de la recherche en droit qui dépasse l’engouement superficiel pour le droit dit « transnational », un modèle de regards croisés qui soit pertinent autant à l’échelle locale qu’à l’échelle mondiale, un modèle qui fasse de la posture cosmopolite la condition même du savoir juridique et de l’expertise du juriste. ■

“ The creation of the McGill Program was **the right move**—not because it provided all the right answers, but because it posed all the right questions. ”



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Don't miss the Faculty of Law's *first-ever* Homecoming Weekend!

Du **11 au 14 octobre**, revenez à McGill pour les premières **Retrouvailles de la Faculté de droit**, une fin de semaine complète d'activités pour toute la famille. Participate in your class reunion, visit all the different student groups inside the Atrium, tour the renovated floors of New Chancellor Day Hall and much, much more.



Kickoff Coffeehouse on Thursday

Petit déjeuner du doyen le vendredi

Canadian Citizenship Ceremony on Saturday

Journée familiale le dimanche

See you soon! | À bientôt!

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