



# McGill

Faculty of  
**Law**

Faculté de  
**Droit**

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## I. Introduction

- Welcome to McGill's Faculty of Law! Whether you came to us this morning from nearby Stanley Street, the McGill ghetto, Parc Extension, Longueuil, or Laval, I know the journey that has brought you to us has been long. Let's not even get into the detour around the construction at Peel and Dr. Penfield.
- My administrative and academic colleagues and I have been preparing to welcome you for a long time.
- You are embarking on an extraordinary experience as you take up the study of law at McGill. Here, we believe that creative thinkers, educated in law and sensitive to difference, have much to contribute to understanding our globalized world and tackling its pressing problems.
- You'll acquire new ways of thinking, ideas, and skills, new connections, networks, and friendships. You'll test new ways of articulating and advancing the conceptions of justice that have brought you to us.
- While I could speak about the faculty's history of nearly two centuries, I want to focus on what you are about to do now – this year and during the rest of your time in McGill's Faculty of Law.



- Mon mot pour vous ce matin se décline en quatre petits temps. D’abord, je vous offre une petite présentation de moi-même et de votre Faculté et de votre cohorte. Ensuite, je vais réfléchir un peu sur le grand pari que vous entreprenez aujourd’hui, soit celui d’entamer des études en droit, et ce, sans égard aux choix de faculté. Ensuite, je vais vous expliquer pourquoi il est formidable d’étudier le droit ici à McGill. Enfin, je vais parler directement de vous : ce que vous pourrez faire pendant votre séjour ici et les façons de le faire – et d’être bien en le faisant.

## II. Une brève présentation de nous

### A. Moi-même

- Je détiens un diplôme en littérature anglaise de Queen’s University en Ontario
- Programme de premier cycle dans cette Faculté en 2002
- Stage avec un juge à la Cour suprême du Canada
- Ensuite, des études doctorales à Toronto
- C’est depuis 2006 que j’enseigne à la Faculté – souvent des cours de première année (Obligations contractuelles, Droit constitutionnel). Ce trimestre, j’offre Droit de la famille aux étudiants des années supérieures. Mes recherches portent sur le droit familial et le droit constitutionnel
- Mes travaux cet été concernaient, entre autres, le rapport entre le mariage civil et la religion et le processus législatif relativement à l’aide médicale à mourir.
  - o Souvent j’utilise ma formation juridique à l’extérieur de la communauté universitaire — d’une façon plus professionnelle, voire activiste, notamment concernant les droits LGBT
- Au niveau universitaire, je copréside cette année un Groupe de travail sur les principes régissant la commémoration et les changements de nom. Au cours de nos consultations, des intervenants ont souligné leur constat de l’invisibilité des personnes autochtones et racisées sur le campus et dans les histoires racontées par l’Université
- Nous tiendrons une séance publique afin de discuter du projet de rapport le mercredi 12 septembre à 17 h. Venez partager vos réflexions avec nous !
  - o Je tiens à souligner que la grande majorité de mes collègues ont aussi leurs activités dans nos communautés, que ce soit sur le plan local, national ou international

Permettez-moi ensuite de vous présenter brièvement votre cohorte ainsi que la Faculté dans laquelle vous vous êtes inscrits et inscrites tout à l’heure.

## B. The Faculty of Law and your class

- A few things about the faculty you are entering:
  - o You are the first class to enter since renovations on the ground floor of New Chancellor Day Hall. The larger classroom opposite was renovated thanks to the generosity of the classes of 1974, '75, and '76, named after our former dean, the late John Durnford
  - o The smaller classroom was renovated thanks to a gift from hockey agent Don Meehan, LLB'75. He and hockey great Ken Dryden, LLB'73, will speak to students as guests of the McGill Sports & Entertainment Law Association on Friday, October 12. Many of you may want to join me at that event
- This fall we kick off a recruitment process for a professorship in business law. This scholar will complement my colleagues' work, applying McGill's distinctive integrated, transnational approach to legal research to business matters
- With an eye to renewing the intellectual bench strength of the faculty, I'm thrilled to introduce our new arrivals.
- I realize we are almost all new to you, so the arrivals are probably a bit less impactful. But it's an important moment for the staff and colleagues here. Today, along with you, we welcome the following:
  - o Professor Jonas-Sébastien Beaudry, jointly appointed in the Faculty of Medicine's Institute of Health & Social Policy. He specializes in matters of disability and health
  - o Professor Ignacio Cofone, an economist who brings a Law & Economics approach to work on privacy and artificial intelligence
  - o Professor Aaron Mills, a bear clan Anishinaabe from Couchiching First Nation, who is completing a doctorate on Anishinaabe constitutionalism
  - o Mr. Mugambi Jouet joins us as a Boulton Junior Fellow now, and as assistant professor next year. He is completing a doctorate at Université Paris 1 Panthéon-Sorbonne in comparative criminal justice.
  - o As for you, the incoming class:
    - The student population is exceptionally diverse in some ways. You hold citizenship from 26 countries.
    - You have 19 mother tongues, including Arabic, Mandarin, Punjabi, Spanish, and Greek.
    - We welcome five indigenous students
    - You range from 18 to 43 years of age, and your previous fields of studies include Aerospace Engineering, Philosophy, Biology, Music, Religion, Social Work, Accounting, Journalism, and Pharmacology.

- But in other ways, students here – and professors – are often less diverse, including in terms of socio-economic or social condition. There is an obvious gap between who is here and the access-to-justice needs of society. With your help, we will keep working at addressing it.
- Before I continue: We intend you to experience an inclusive, respectful environment. If you experience insecurity, exclusion, discrimination, harassment, sexual harassment, or sexual assault, let us know. The university has recently strengthened its policies and resources to support victims and survivors.

### III. Study of law

- It's a great time to be taking up or continuing a legal education
- While the traditional practice of law is undergoing transformation, the capacities and knowledge you will gain here are powerful ones worth acquiring. The justice deficits of our world are acute, near us and far afield. Traditional delivery has failed to provide meaningful access to justice. There is room for you.
- Our alumni spend their days doing a huge range of things, many of them far from conventional understandings of legal practice. Please remember that the vast number of doors your McGill Law degrees can open for you are not reflected in the traditional recruitment processes visible within the faculty – or in the promotional items that law firms may put into your hands this week.
- Our alumni share a sense of gratitude for their legal education, which they draw on even in their diverse fields. I don't think, honestly, that a single one has told me they regretted studying law
- So what is a legal education about? This is a dicey question, because a reality of being in a law faculty – part of the beauty and daily stimulation – is that bright, analytical, and imaginative people hold different views on many, many things. I know that my teaching colleagues here wouldn't agree with me on everything. Ask them their views!
- The queer novelist and essayist Fenton Johnson has written that “the law itself is a kind of drag, the imposition of a tailored suit over the crazy, tumbling, free-for-all chaos of life.” It is true that participants in a legal tradition attempt to overlay their categories and rules onto the chaos of life ... But I think that law, at least as I understand it, is a good deal messier than “tailored suit” may imply.
- What are the qualities of a jurist? Not arrogance or the need to be right, but humility and openness to a range of viewpoints. There is almost never just one side to a story (and rarely just two). The structure of legal proceedings makes space for multiple points of view
- I suspect there is an imbalance between what many of you would think of, if asked to name examples of laws, and what you'll spend a lot of your time here looking at

- When I ask students for examples of laws on the first day of Constitutional Law, they often name the Criminal Code, a mass of hundreds of prohibitions on conduct, backed by punishment
- They are less likely to name examples of the many laws that help individuals and groups to do things – the frameworks that make governing possible; the rules that allow people to create companies and associations; to draw up contracts and make wills; to protect property of high cultural or environmental value; to adopt a child; for tenants to defend their rights against landlords; and for workers to negotiate with management.
- In effect, a huge piece of legal work is concerned with making possible the pursuit of aims, providing frameworks of stability within which people can act and on which they can rely.
- Now, in your legal education, you'll swiftly see that legal work involves certain kinds of moves: a focus on reasons, concern to ensure respect for fair process and appropriate participation, and attention to ethical conduct and the pursuit of justice.
- Lawyerly work often involves interpreting authoritative texts and finding precedents for a desired outcome. These activities distinguish legal reasoning and advocacy from some forms of moral philosophy.
- In law, the concern isn't always what would be best. It can be tempered by considerations about who has authority to act, subject to which constraints, and by which institutional channels and means
- Admittedly, these moves inject a dose of conservatism into legal work
- But as you will see, there is also, at least sometimes, the potential for radical change and disruption because the interpretations of authoritative texts can change – sometimes fast.
- So, too, can there be seismic shifts in our understanding of what notions such as liberty, autonomy, and equality demand in a given context, making us come to see where we are falling short of those ideals.
- Think of our approach to people's self-determination of their gender identity, including young people's. Or of challenges to the hard line between humans, on the one hand, and animals and the natural environment, on the other. Both Indigenous understandings and the state of our planet are driving this rethinking.
- Caveat: a legal education can be powerful in the pursuit of a broad range of justice goals – but for some things, it's not the most immediate or optimal path. It doesn't replace political organizing, or activism – though many of our students pursue the two together.
- Before moving on, let's recognize that the law and legal discourse have limits and sometimes fail or make things worse. Perhaps you already have examples in mind.
- One may be the #MeToo #MoiAussi movement, which signals a widespread perception of failure on the part of our civil and criminal processes. Sometimes critics of the movement, without much subtlety, rely on legal ideas of the presumption of innocence

and due process, using them outside their original criminal context, where the State comes down on an individual.

- In short, juridifying everything is not the answer!
- You may start thinking already about the principles and values that you intend to condition the use you will eventually make of the great privilege of a legal education.

#### IV. Une formation juridique à McGill

##### A. Une formation juridique à McGill, en général

- Vous vous trouvez dans l'une des grandes universités du monde – et je vous conseille fortement de ne pas rester enfermés dans ce bâtiment. Tout le campus et toutes ses activités sont à votre disposition et vous attendent !
- Vos professeurs sont des chercheurs actifs et engagés et cela enrichit notre enseignement. Quoi d'autre ?
- L'usage constant de plus qu'une langue produit certains effets
  - Nous sommes plus sensibles aux limites linguistiques – nous sommes toujours en train d'interpréter, et nous sommes conscients qu'un texte ne peut jamais saisir entièrement l'idée qui l'inspire
  - Ici, les pratiques linguistiques font en sorte que presque tout le monde se trouve parfois dans sa deuxième, troisième ou quatrième langue et ainsi, hors de sa zone de confort – en voici la preuve
  - Je vous conseille fortement de profiter des cours offerts dans les deux langues, et ce, dès votre première année. Osez vous exprimer en classe dans votre deuxième (ou troisième) langue
- Aussi, à McGill, nous étudions plus qu'une seule tradition juridique et l'apprentissage ne se limite pas aux règles d'un seul pays ou ressort
  - L'approche intégrée ou transsystémique – tout comme les langues – aide nos étudiants et nos étudiantes à être plus agiles et créateurs, à savoir qu'il y a toujours plus qu'une façon de qualifier un défi ou d'aborder un problème
  - Cette approche constitue par ailleurs une force principale de notre programme. Et nos diplômés m'assurent qu'elle les a beaucoup aidés dans leur parcours professionnel.
  - L'une de nos diplômées m'a récemment décrit les juristes de McGill comme étant des caméléons, plus prêts que leurs collègues formés ailleurs à opérer dans de divers contextes
  - Une autre décrit nos juristes comme étant préparés à performer dans des conditions incertaines et fluctuantes, lorsqu'il n'existe pas de réponse juridique claire – ou lorsqu'il en existe plusieurs

- En effet, le mouvement constant à travers des frontières des traditions peut être parfois déstabilisant — j'en conviens. Mais vous serez accompagnés en cours de route
- Par ailleurs, je voulais reconnaître les coûts qu'entraîne votre présence dans cette salle. De quelles sortes de coûts s'agit-il ?
- D'abord, les frais de scolarité. Ce coût varie forcément parmi vous. Plusieurs paient les frais de scolarité pour les résidents du Québec, d'autres ceux pour les étudiants canadiens « out of province », et d'autres encore les tarifs pour les étudiants internationaux
- Ensuite, les coûts d'opportunité. Malgré ma certitude que vous entamez un voyage enrichissant et extraordinaire, votre présence ce matin entraîne des sacrifices de votre part et peut-être de celle de vos proches. Par exemple, vous êtes nombreux à avoir quitté des emplois afin de revenir aux études.
- Enfin, quels que soient les frais que vous payez pour vous inscrire, ceux-ci et les subventions gouvernementales ne couvrent pas le coût de votre formation juridique à McGill, loin de là. Cette formation – l'une des meilleures du monde – n'est possible que grâce à la générosité et à l'engagement des générations de donateurs.
- Cela vous serait peut-être évident dans certains cas – vous aurez déjà vu la Bibliothèque de droit Nahum Gelber.
- Ce ne sont toutefois pas seulement les grands donateurs qui comptent. Nos diplômés travaillent ensemble afin d'aider la Faculté. En vue de leur anniversaire cette année, les membres de la promotion de 1983 s'associent afin de créer une bourse, dédiée aux étudiants et étudiantes autochtones. La promotion de 1993 priorise notre Career Development Office. Quant à elle, la promotion de 1998 nous donnera de l'argent afin d'améliorer des espaces d'usage étudiant
- Peut-être plus près de vos intérêts immédiats, le Fonds des diplômé-e-s pour la vie étudiante (Alumni Student Engagement Fund), géré par votre Association des étudiants et étudiantes en droit, subventionne plusieurs activités et initiatives étudiantes
- Veuillez SVP garder l'impact de ces contributions à l'esprit pendant votre séjour à la Fac – et après celui-ci. Nous aurons l'occasion d'en reparler.

#### B. [What about a legal education at McGill, starting today?](#)

- You will receive an education that generations before you have described as a foundational grounding in law. We aim to adapt our curriculum in response to changes in society, technology, and legal practice.
- The Focus Week intensive electives that you will take in your upper years offer us one vehicle for such adaptations. But we know that your years with us likely represent your most sustained legal education at the outset of a career that might stretch across five decades or more.

- We would serve you poorly by turning on a dime to focus on the immediate needs of practice two or five years from now
- As alumni have told me, their introduction to legal principles at McGill prepared them to work in areas of law that didn't even exist while they were studying here.
- On another note, equity and inclusion are a key priority for the faculty during my deanship.
- Many or most of you will know about the Truth and Reconciliation Commission's work, including the release of its final report in 2015. The commission made recommendations with a view to redressing the legacy of residential schools. It identified calls to action specific to law faculties
- Our faculty has had a special Task Force that proposed responses. This year, we will continue acting on them, including on the curricular front.
- Already, the Integration Workshop and courses in Criminal Justice and Property accord a greater place to Indigenous legal traditions than was long the case.
- Such a focus is apt, since McGill sits on the traditional territory of the Kanien'kehá:ka people and the island now called "Montreal" has historically been a meeting place for other Indigenous nations, including the Algonquin people.
- We know that our commitment to multiple legal traditions entails integrating Indigenous legal traditions robustly into our teaching and research.
- On that front, I am delighted that Dr. Kerry Sloan, a Metis scholar from British Columbia, will join us in 2019 as an assistant professor.

#### V. [Let's talk about you: what you might do while you're here, and how you'll do it](#)

So this is the final part, and it's going to include a bit of advice and a lot of prediction based on your predecessors here.

##### A. [What you might do while you're here](#)

- In virtue of your admission and enrollment to the Faculty, what you have today and henceforth is a membership – not a visitor's pass or a casting in the role of spectator
- As for your time here, I hope you will draw on your strengths, while developing new ones. People occasionally talk about law school as requiring them to leave behind what they already knew and to start afresh.
- On the contrary, we intend that you will bring your wide range of perspectives to your study here – that you will judge the legal enterprise using the intellectual tools you bring to us, be they those of a chemist, an engineer, a journalist, a musician, a postcolonial theorist, or a trans activist.
- In fairness, you might find yourself adjusting how you study a little. I, for one, used flow charts and other visual aids much more as a law student than while studying literature.



- You will design and shape your time here. The first year can sometimes feel rigid – and it can be a bit disappointing for those of you who come with a single interest in mind
- In first year, for example, there's no course called Human Rights, Environmental Law, or Business Law. But those will eventually build on the foundation that you develop during this first year
- You will engage critically with the material here – whether or not your professors encourage you explicitly to do so. People sometimes get a bit buried under the volume of new material, but the critical analysis and distance are crucial
- You'll ask challenging questions about whose interests are privileged, who is included and heard, and who isn't. Your professors are not here to defend the legal or social status quo! – far from it. Students sometimes perceive our explanations of legal things as justifications for them.
- In the upper years, there is more obvious scope for tailoring a program that suits your interests. For example, students choose a huge range of essay topics.
- I recently supervised an independent essay examining the rhetoric around the so-called right to a child in Quebec. Later this year, I'll supervise another looking at the criminalization of sex by people living with HIV and one more examining class actions brought under the Canadian Charter.
- Our students pursue an extraordinarily wide range of academic interests. I would urge you, though, to explore areas that might not immediately draw you. Those destined to work in human rights can gain a lot from courses in business associations, taxation, and bankruptcy.
- What else will you do during your time in Canada's most globally oriented law faculty?
- A large number of you will have an international experience of one kind or another, be it an academic exchange, a human-rights internship, or a clerkship.
- Many of you will work as research assistants for your professors, perhaps one or two of you next summer for me.
- Beyond that, experience tells me that you'll likely do a breathtaking range of things, showcasing an amazing variety of passions, skills, and talents. Many of you will handle paid work and family caregiving, including perhaps dealing with serious illness (when such challenges strike, speak to us about accommodation).
- Some of you will breastfeed in the faculty, in the dedicated alcove on the sixth floor, or somewhere else that you find comfortable. Some of you may transition, changing your legal designation of sex
- Some of you will never miss a coffee house or party, while others will show ingenuity in seeking out quiet spaces to recharge. Many of you will study in groups, but a good number will find studying solo to work best for them.

- Some of you will quickly make friends this week, while others will integrate themselves into the faculty more cautiously, perhaps making the deepest ties through extra-curricular involvements still some way down the road
- You'll engage in activism and community outreach through assuming leadership roles in the Graduate Law Students Association (GLSA), the Law Students Association (LSA), and existing clubs. You'll participate and lead in the Indigenous Law Association, the Black Law Students' Association, DALA (Droit autrement – legal alternative), the Runnymede Society, the Christian Law Students' Association, the Jewish Law Students' Association, the Muslim Law Students' Association, the McGill Food Law Society, Law Needs Feminism Because, Outlaw, the Women of Colour Collective, the McGill Business Law Association, and the Radical Law Community (Radlaw). You'll start new clubs.
- You'll organize and attend inspiring conferences and events inside and outside Montreal. You'll work for journals and the Legal Information Clinic at McGill and compete for us in pleading or moot competitions.
- I will likely read op-eds by a few of you in La Presse+ as I have my breakfast (and when I do, I'll tweet them). I'll see your essays published in scholarly journals.
- You'll challenge us as professors continually to up our game – to be more sensitive to difference and to think about the words we use, to better contextualize historical materials, to rethink our sense of the boundaries of our political and legal communities.
- When you criticize my colleagues and me, in class or outside, I hope that we will listen to you with open minds and hearts – whether or not we take fully on board what you say to us. I hope we'll avoid being defensive and that we will model respectful discussion with you.
- What I do know is this: By the time you leave here, you will have had a huge, unforgettable impact on one another, and on us. And we will look forward to following your careers and seeing you at McGill Law alumni events, here and around the planet

#### B. How you'll do it

- How will you do all this – how will you be as McGill law students?
- There are a lot of learning styles, experiences, and preferences under this roof. Don't take other people's advice uncritically; take all advice, including mine, with a grain of salt. You have gotten this far because you are pretty good at managing yourself and getting things done. Don't discard your usual strategies.
- At the same time, the start of law school may offer the opportunity to reinvent yourself. In a clear contrast from the start of my undergrad studies, I began law school fully out of the closet and firm that my name was Robert, not Rob.
- Now is a good time to make such changes, in part because, when you look around this room, the people you see are not just classmates. They are potential colleagues for a long, long career.
- Par ailleurs, prenez soin de vous-mêmes et de vos proches.

- Quant aux points suivants, j'ai profité de la sagesse du groupe de l'AED Healthy Legal Minds / Ju(ri)stes en santé.
- Nous ne nous attendons pas à ce que vous sacrifiiez votre santé et bien-être afin d'obtenir une bonne note ou d'exécuter vos travaux. Le parcours de l'étudiant ou l'étudiante en droit présente des défis, c'est certain, mais il ne doit pas vous être nocif.
- L'expérience m'instruit d'être plus explicite concernant nos attentes à votre égard. Un étudiant a raconté qu'il n'a pas assisté aux funérailles de l'un de ses grands-parents afin de ne pas reporter ses examens d'automne.
- Avec le temps, l'étudiant est parvenu, à juste titre, à regretter ce « choix ». Cette histoire m'a horrifié. Ce ne serait jamais notre souhait que vous priorisiez vos obligations universitaires de cette façon.
- Alors, si vous éprouvez des difficultés, demandez de l'aide. Plusieurs ressources s'offrent à vous. La recherche d'aide est un signe d'intelligence plutôt que de la faiblesse ; de temps à autre, nous en avons tous besoin.
- La Faculté de droit, tout comme l'Université McGill, vous offre une gamme de services – je pense entre autres au Student Affairs Office, au Career Development Office, à l'Office for Students with Disabilities et aux services de santé de McGill, y compris les services de santé mentale.
- Développez les techniques qui vous aideront à gérer le stress et à prendre soin de vous-même – tout comme nous, vos professeurs, avons dû et devons le faire à tout moment.
- La consommation démesurée d'alcool et de drogues récréatives – quel que soit leur caractère légal – n'est pas un moyen soutenable de gérer le stress.
- Incorporez les éléments de base – le repos suffisant, la nourriture convenable et l'exercice physique – dans votre régime, et ce, dès le départ.
- Je vous encourage fortement à ne pas prendre des substances chimiques visant à améliorer la performance. Ne fondez pas votre réussite dans la Faculté sur la consommation de médicaments qui ne vous sont pas prescrits.
- Particulièrement si vous venez de vous installer à Montréal, assurez-vous de cultiver une vie à l'extérieur de la Faculté de droit. Profitez de cette ville vibrante !
- C'est un conseil que j'aurais partagé avec nos étudiants et étudiantes à n'importe quel moment, mais la montée des médias sociaux en augmente la pertinence.
- Pendant mes études, avec ni téléphone portable ni Internet à mon petit logement, je laissais la Faculté derrière moi en rentrant. Avec des téléphones intelligents, il n'y a plus de retraite quotidienne du contact constant.
- As you dive into the challenges and demands of studying law at McGill, find ways to safeguard yourself.

- Relatedly, you will need to set limits in terms of what you are able to do and participate in. In this vibrant faculty, in this extraordinary university, in a city teeming with activity, there is more to attend – and to read – than any person can take in.
- The solution isn't, though, for us to reduce the activities (or the readings) so that everyone can easily do everything. Rather, we invite you to set priorities, to make choices, sometimes hard ones, and to make peace with the fact that you can't do everything (and neither can anyone else).

## VI. Conclusion

- It's time to conclude. We think you'll be better for being here. And we think we'll be better for your being with us. We're going to have fun together.
- Your legal education will change you – and teaching you, learning from you, and working with you will change us.

Bienvenue chez nous, bienvenue chez vous.