Truth and Reconciliation

Law school leads the way to adopting TRC recommendations
Message from the Dean
Celebrating our growing reputation as Canada’s innovative law school

I am not referring to the Constitution of our constitutional tradition, namely, the rule of law. We often overlook this today, but the rule of law existed long before Parliament assumed its modern form. And the key to the establishment of the rule of law was the establishment of the common law courts – and the creation of a professional judiciary. That’s why I say that with Madam Justice Martin’s appointment, we were not only celebrating a happy event for UCalgary Law, we were celebrating a constitutional moment. The other big news for us at the University of Calgary has been the formal adoption of the new Indigenous Strategy. It sets out a path for all of us, in every part of the University, and it is underpinning our own responses to the calls to action in the report of the Truth and Reconciliation Commission. We’re hard at work on this, and hope to have some exciting news to share within the next few months.

Let me close by noting that 2017–18 marks the third year of the Calgary Curriculum. At the time we adopted it, I promised everyone that after the first cycle, we’d do a formal evaluation. So this is something else we’re working on. I remain convinced that we’re on the right track towards, as I often say, preparing students for the profession they are joining, not the one we could do better, and probably some things that we need to stop doing. So stay tuned for more news on this, as well.

Thanks to all of you for your continuing support. As I so often say, we’d be but a shadow of the law school we are were it not for our alumni and friends!

Ian Holloway, QC
Dean, Faculty of Law

Learn more about the new Indigenous Strategy
ucalgary.ca/indigenous-strategy

Notable news

Professor Elizabeth Whitwitt received her PhD on November 10, 2017. Her thesis, “Prospects for Unity in International Economic Law,” focuses on the role that adjudicators play in the international trade and international investment law regimes and how their process of reasoning can help to unify international economic law.

Professor Catherine Brown received a Lifetime Achievement Award from the Canadian Tax Foundation, recognizing people who have dedicated time and effort to improving the practice of tax. According to the foundation, Cathy is “an inspiration to young practitioners,” and we couldn’t agree more!

Six students became Qualified Members of the National Association of Parliamentarians in December 2017. Second-year students Scott Ellis and Jeffrey Westman, and third-year students Callin Hagland, Christina Hodgson, Aoidhe McManus and Alex Schreiner successfully completed the National Association of Parliamentarians exam on November 27, 2017 as part of the LAW 599 — Legal Practice course.

Professor Howard Kislowicz, who joined UCalgary Law in July 2017, received a SSHRC Insight Development Grant for the study “Divine Interventions: A study of the operation and impact of non-governmental interveners in Canadian religious freedom litigation.” The study, conducted with Professor Kathryn Chan of the University of Victoria, aims to improve our understanding of the role that non-parties may play in judicial proceedings that implicate Charter rights.

Professor Jennifer Koshan, LLB’88 was named one of UCalgary’s Peak Scholars for 2017. Peak Scholars are researchers whose academic work has had a positive social or economic impact outside of the academy. Jennifer was nominated for her work with The Equality Effect.

Second-year student Katie Ayer was part of the winning team in the second annual Calgary Interprofessional Challenge, a two-day event to create an environment for interdisciplinary learning and problem solving. Katie’s team, AccessABLE, created an app for tracking the Access Calgary bus.

Professor Catherine Brown

Professor Howard Kislowicz

Professor Jennifer Koshan

Second-year student Katie Ayer

Linda McKay-Panos, JD’89 (left), executive director of the Alberta Civil Liberties Research Centre, and Professor Kathleen Mahoney were named two of YW Calgary’s She Who Dares award winners. The awards celebrate and explore the stories of 150 women who have impacted our community through the last 150+ years. Linda was recognized for her work in education, outreach and awareness about civil liberties. Kathleen was recognized for her legal work on women’s rights and the rights of Indigenous people.
What legal structures contribute to the success of an entrepreneurial start-up? How do the various terms in shareholder agreements or employment agreements play out in the unique atmosphere of a fast-growing venture? What are the legal issues that arise in financing? These are the types of questions being considered by students in the new Entrepreneurial Law course in the Faculty of Law.

Where does Law fit into starting a business?

Starting a business and being successful over several years involves numerous different areas of expertise. Third-year law student Andrea Williams notes that, “It’s a business venture, so your focus needs to be broader than the legal issues to understand how common issues in start-ups will impact agreements and other legal structures.” As well, there is no one discrete area of law relating to “entrepreneurship.” Entrepreneurs need assistance in a wide range of areas that bear on their businesses. In practice, this means law students need to gain a thorough knowledge of distinct legal areas such as tax, employment, intellectual property, securities, contract, and corporate law.

Teaching problem solving through active learning

This type of creative problem solving is exactly what Professor Bryce Tingle encourages in this course. “We are trying to teach students to imagine what could happen in the future, so the legal arrangements they put into place today will facilitate positive outcomes,” says Tingle. “Start-ups are vulnerable — too much can go wrong — and lawyers are essential to their success.”

Students are given the opportunity to review actual legal documents and discuss the ways various terms of these agreements might play out in the company’s future. What happens if the founders have a disagreement? What if a venture capitalist wants different terms in the shareholders agreement? What if the company decides it wants to go public? As Williams puts it, “What do we have to put into place today to ensure tomorrow’s success.” This hopefully means that before students start practising law, they will have already considered many different business outcomes and the appropriate way to deal with them legally.

Applying the skills learned in class to real life

This course helps prepare students for their futures in the legal marketplace. For many students entering the profession, their first few years in practice will involve working with small businesses and start-up companies. As well, a disproportionate number of young lawyers are enticed to join the founding teams of new companies or to step into the legal function at more established companies that are still growing rapidly. Even though this is the first time the law school has offered Entrepreneurial Law, Tingle knows of several alumni of the BLG Business Venture Clinic who have joined promising new ventures.

“The goal of these courses is to make our students and graduates irresistible to entrepreneurial clients and to the law firms that serve them.”

New course teaches law students skills to support entrepreneurship

Injecting the law with an entrepreneurial spirit

By Katie Moore
Truth and Reconciliation

Law students learning about residential schools litigation

Learning about residential schools and their effects on Indigenous peoples across Canada is an essential part of the truth and reconciliation process to moving forward as a nation.

Funded by the Canadian government in a concerted effort to assimilate Indigenous peoples into Canadian culture, and operating throughout the latter part of the 19th and 20th centuries, the schools had a devastating impact on Indigenous peoples across Canada by systematically depriving Indigenous children of their cultures, languages, and connections to their home communities, often also exposing them to neglect and abuse. Immeasurable cultural harm occurred as a result of the actions of the Canadian government, which first came to light when Phil Fontaine made his allegations of abuse public in 1991, and culminated with the Indian Residential Schools Settlement Agreement, which recognized the widespread harm and trauma inflicted on Indigenous peoples by these schools.

The truth and reconciliation process was initiated by the Canadian government in 1991, with the Indian Residential Schools Settlement Agreement. Today, law students are able to gain a unique perspective on the events leading up to this settlement and how this process worked through Mahoney's first-hand experience. The Indian Residential Schools Settlement Agreement demonstrated that there are a wide range of remedies it contained.

Students learn there are many paths to justice

In teaching students about the important issues that relate to this area in the Indigenous litigation course, Mahoney points out that, “class action law suits almost invariably lead to settlements. The Indian Residential Settlement Agreement demonstrated that there are a wide range of remedies that can be negotiated using principles from Indigenous legal traditions, post colonial theory, feminist legal theory, critical race theory and restorative justice.

For law students, this course represents learning about more than simply the black letter law in this area, but the potential to gain perspective and understanding about how this type of issue may influence their practice in the future.

As third-year student Amy Matychuk notes, “almost every area of law practised in Canada in some way touches on Indigenous issues.” Whether in practice a law student will end up looking at the overrepresentation of Indigenous populations in the criminal court systems or aboriginal land claims in oil and gas transactions, having a broad understanding of the effects of such a significant case on Indigenous Peoples across Canada will have a significant, positive impact for people.

Mahoney goes on to point out that “the remedies in the agreement such as compensation for loss of language and culture, the truth and reconciliation commission, healing funds, commemoration funding, memorialization, apologies, a research centre and intergenerational education resources that had never before been considered in Canada, are now available to be used as a precedent for future class action settlements.”

Course teaches students how issues may affect future practice

Mahoney and her team had an instrumental role in influencing the processes leading up to the settlement as well as the wide range of remedies it contained.

Remedies in the agreement are now a precedent for future settlements.
Sandy Hermiston, LLB’84 is blazing trails in the Cayman Islands

By Katie Moore

W hen the temperatures drop and the snow falls in Canada, many of us dream about living and working on a tropical island. Sandy Hermiston, LLB’84, has done just that. She was recently appointed as the first Ombudsman of the Cayman Islands after an exciting public service career in Canada.

Sandy’s career path towards taking on this new role started many years ago, with her decision to go to law school. As an undergraduate student, Sandy was working towards becoming an interpreter when she decided that she wanted a more active role in the creation of ideas, not simply gaining a degree, but gave her the opportunity to explore opportunities from an open-minded perspective. During this time, she was also incredibly active in the school — playing sports, volunteering with Student Legal Assistance, and representing student interests on the Faculty Counsel and the University of Calgary Senate.

When looking back at law school, Sandy reflects that, “the theoretical study of law and the practice of law are two different things, you don’t have to be the gold medalist to have an interesting legal career or to be a good lawyer. The skills you learn will support you, and once you’re in practice and the rubber hits the road is where it really counts.”

In considering Sandy’s significant career history it’s clear that this advice holds true. After working in private practice and in-house for several years, Sandy started working in the public service and felt an instant connection. For many years, Sandy practised administrative law as General Counsel for the Appeals Commission for Alberta Workers’ Compensation Board and then as General Counsel to the Alberta Ombudsman and Public Interest Commissioner’s Office. Sandy enjoyed these roles because, “ensuring that decisions are made fairly is incredibly meaningful work because it has the capacity to effect regular, everyday people in a significant way.” She also enjoyed working with people from many different walks of life, not simply lawyers speaking about strictly legal issues.

To complement her work in public service, Sandy was also an extremely active volunteer throughout her career. She was on the board of various Paralympic sport organizations, primarily in the cerebral palsy sport world, where her knowledge of legal issues and critical analysis made a significant, positive impact for many people. In reflecting on this role, Sandy notes that, “the legal issues that seem simple to me can be overwhelming for a volunteer-dependant organization, and through my legal training I was able to contribute in a very valuable way to the organization.” Volunteering with provincial, national and international organizations also helped Sandy to gain leadership skills and experience managing people which have contributed to her professional success.

The role of the Ombudsman’s office is to monitor the public sector by investigating and mediating complaints made by the public against public bodies. This office is a critical part of any government system because it uses an independent review process to provide oversight for public institutions. Sandy describes the ombudsman’s role as, “existing to shine the lamp of scrutiny on the darkest corners.” The specific role of the ombudsman is crucial to this process because, with input from knowledgeable experts and advisors, she makes important recommendations that directly impact the public sector.

This is a new position in the government structure of the Cayman Islands, and the new office will combine two existing offices (Complaints Commission and Information Commissioner), and take on additional responsibilities for whistle-blowing, public complaints against the police and data protection in the near future. The Cayman Islands Government viewed the creation of a single office as a more efficient way to address the oversight of government. Overseeing this transition to a single office is an exciting challenge that involves everything from redesigning the office space to presenting new budgets before the legislative assembly. Although it has only been a few months since Sandy began her appointment in the Cayman Islands, the experience has been incredible so far.

And after living in the Northwest Territories and Edmonton for several years, Sandy is settling into the tropical climate of the Cayman Islands quite nicely and is looking forward to paddle-boarding on the ocean in her free time.
Brandon Rasula, JD’14 is using his law degree to gain experience in international relations

By Katie Moore

Although Brandon Rasula only graduated in 2014, his legal education has helped him gain extraordinary experience in a unique and interesting area of international relations. Currently, Brandon works as a Prosperity Officer for the UK Foreign and Commonwealth Office at the British Consulate-General Calgary. Brandon’s role with the Consulate is interdisciplinary, approaching his work with a Canadian legal perspective in order to help the UK government achieve its diplomatic and economic objectives across Canada.

“Having a legal education has been invaluable in this role,” says Brandon. “In addition to providing an excellent background and understanding of how government and business operate, it has given me the confidence to be able to research and find answers to questions I’ve never encountered before.”

There are two main components to Brandon’s role. The first involves supporting the development of science and innovation collaboration between Canada and the UK, by building awareness between the two countries with regards to their respective science and technology strengths. Essentially, this involves knowing the areas of interest and strengths of academia and industry, and finding opportunities to collaborate or leverage off each other. One area in particular that Brandon has been working on is low carbon and renewable technology. This has involved liaising with academic, industry, regulatory and government stakeholders in each country, understanding their work, and facilitating introductions among them to help find a solution to a current topic or challenge they are encountering. Part of what Brandon enjoys most about this role is the diversity in the projects.

“I’ve been involved in projects ranging from shale gas regulation, to carbon capture and storage implementation, to the use and promotion of green finance as a mechanism to fund new projects,” says Brandon. “It’s an exciting area to be involved in and I really enjoy getting to work in so many different areas.”

The second aspect of Brandon’s work focuses on Brexit’s impact in Canada. This broad role involves understanding how Brexit will proceed and how this will affect UK interests in Canada and vice versa. This involves staying up to date on the most recent developments in London, relaying specific information to interested parties both domestically and in the UK, and responding to enquiries from a range of stakeholders. Brandon is also involved in helping transition the Comprehensive Economic Trade Agreement, the recent Canada-EU free-trade agreement, into a post-Brexit bilateral agreement between Canada and the UK. Developing expertise on these rapidly-evolving issues is an incredibly challenging and exciting part of Brandon’s position.

As a law student, Brandon’s ability to complete advanced research and advocate for his position was reflected through his mooting experience. Mooting involves a significant amount of preparation but also challenges students to think on their feet when asked questions by judges who are knowledgeable on the legal principles. In his third year, Brandon participated in the Bennett Jones Health Law Moot and was recognized as the Top Oralist. Alongside this accomplishment, another highlight of Brandon’s law school experience was his international exchange at the University of Graz in Austria. This experience helped spark Brandon’s interest in international legal issues.
Wills Weeks raises $10,000 for the Calgary Counselling Centre

Resolve Legal Group and UCalgary Law establish annual joint charity fundraiser

The first-ever Wills Weeks initiative put on by local Calgary law firm Resolve Legal Group in partnership with UCalgary Law and other local legal firms raised $10,000 in support of mental health programs at Calgary Counselling Centre in November 2017.

“Getting a will done can be costly for many people,” says Cyndy Morin, LLB’06, founder of Resolve Legal Group, who, when she was 27, had her partner pass away without a will. “This event allowed people to get a complete legal will in exchange for an affordable donation, while giving back to the community at the same time. It’s a win-win situation for everyone.”

“Now more than ever, we need to continue the conversation around mental health and educate Calgarians that help is available and that counselling achieves results,” said alumna Robbie Babins-Wagner, CEO of Calgary Counselling Centre. “These funds will allow the Centre to continue to provide mental health support to our community with no waitlist and without financial barriers to access services.”

Law students who participated in Wills Weeks gained practical experience in drafting wills, file management, client management, and collaboration with a supervising senior counsel.

“We are absolutely thrilled to have been the originator of the Aspire Legal Access Initiative, and to be a driving force in increasing access to justice for Calgarians,” says Ian Holloway, of the Faculty of Law. “It fits perfectly with our dual goals of being at the leading edge of innovation in legal education, and to being Calgary’s law school. That we are able to do so while giving our graduates hands-on learning opportunities and at the same time increasing the number of family law practitioners in the city is a win-win situation for everyone.”

Partnership increases access to legal services

With funding from UCalgary Law, Aspire Legal Access Initiative to help Calgary families with legal matters

By Ali Abel

Nearly two-thirds of self-represented litigants in family court can’t access or afford legal advice or representation. A new legal service in Calgary is setting out to change that. The Aspire Legal Access Initiative (ALAI), led by Executive Director Kyla Sandwith, will increase access to legal services for Calgarians dealing with family-law matters by providing clients with the information, advice and support they need to take charge of their own file.

“We are not a traditional law firm. Our aim is to empower clients to handle their own file and make the legal services they do need more accessible,” says Sandwith. “We leverage technology and maximize efficiencies where we can. This means we can keep costs low and offer sliding scale, flat-fee services that are accessible to all Calgarians.”

Services provided by ALAI currently include joint and uncontested divorces. Parenting agreements, coaching for self-represented litigants attending court, and initial consultations will follow in the coming weeks.

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