Energy Innovation Impact
Report to community 2018
Message from the dean

It’s been one year since we launched our new strategic plan, Energy — Innovation — Impact, which builds on the success of previous plans, and sets a five-year course for the Faculty of Law as a national leader in legal research and innovation in legal education, goals that are becoming a reality thanks to your support.

Many of you have been contributors to the successes we have seen since I joined the law school in 2011. Most notably, we launched the Calgary Curriculum, which has changed the way we teach the law and prepare students — and which now represents the model that other schools are emulating. The Class of 2018 is the first group to have completed all three years of the new curriculum, and we are already hearing from employers about how well prepared our students are when they enter the workforce. The International Energy Lawyers program, which we operate in partnership with the University of Houston Law Center, continues to grow. We have opened the Public Interest Law Clinic and we are helping to make justice more accessible to some of our province’s most vulnerable and voiceless communities. Our researchers are the recipients of great funding opportunities and are making significant impacts on the legal systems across the country and around the globe. And through the university’s Indigenous Strategy, we continue to work with Indigenous communities to develop and implement responses to the report of the Truth and Reconciliation committee that will make a real and positive contribution to the reconciliation process.

I’m honored to lead a law school that is producing graduates who are remarkable for their mix of broad legal education and practical lawyering skills; a law school that is leading the way in natural resources, energy and environmental law in Canada’s energy hub; a law school that is modern, innovative and intimate. I am excited to continue working with you to help make Calgary’s law school the leader in legal education provincially, nationally and around the world.

The Faculty of Law has the Energy for Innovation and Impact, at a university that lives in one of Canada’s most dynamic and enterprising cities. We are facing the future head on, and making our mark on the future of legal education.

Thank you for your continued support.

Sincerely,

Ian Holloway, PC QC
Professor and Dean of Law
University of Calgary
Eyes High: The University of Calgary is a global intellectual hub located in Canada's most enterprising city. In this spirited, high-quality learning environment, students will thrive in programs made rich by research, hands-on experiences and entrepreneurial thinking. By 2022, we will be recognized as one of Canada's top five research universities, fully engaging the communities we both serve and lead.
‘Tyranny of small decisions’ infringes on Indigenous rights

Professors Martin Olszynski and Robert Hamilton received $10,000 from the Foundation for Legal Research to study the cumulative effect of resources development on Indigenous rights, including treaty rights to hunt, fish, and trap, which are protected under Canada’s Constitution.

Their project, “Preventing Piecemeal Infringement of Aboriginal and Treaty Rights: A Duty to Assess and Manage Cumulative Effects?”, examines how courts are currently addressing First Nations’ concerns about the impacts of not just individual projects, but also the cumulative effects of multiple projects on the landscape.

According to Hamilton, several First Nations are currently alleging that unconstrained resource development is affecting their ability to hunt, trap, and fish in their traditional territories. But, he says, “to date, Canadian courts have been inconsistent in their treatment of such concerns. While a few decisions suggest some understanding of the mechanics of such harm, others are dismissive, forcing First Nations into complex, time-consuming, and costly litigation to prove actual harm.”
Law prof researches effects of changing environment on our bridges and roads

It’s hard to imagine that concrete and steel could be affected by climate change. But Rudiger Tscherning, a professor in the Faculty of Law, has just received funding to conduct research into the effects of environmental changes on Canada’s public utilities infrastructure, including electricity grids, water infrastructure and gas pipeline systems.

The research project, for which Tscherning received a $5,000 grant from the Foundation for Legal Research, examines the legal question of “climate adaptation jurisdiction” to identify the parties that may be responsible, and legally able, to take adaptation measures to prepare infrastructure against the impacts of a changing environment. Adaptation means identifying the potential risks of climate change on critical infrastructure and finding appropriate legal responses to enable these measures to be taken.

“As the question of climate adaptation is a novel one, it is not entirely clear if the public sector or private parties, or a combination of both, should be responsible for adapting infrastructure against the effects of climate change in Canada,” says Tscherning. “This project challenges the important question of legal ‘jurisdiction’ for climate adaptation and asks who can be compelled to undertake these measures.” The all-important question of financial responsibility for climate adaptation and the potential role of the insurance sector will also be examined in the project.
Innovation in student experience and legal education

All aboard the Justice Bus!

Law students spent a summer day in Brooks, Alberta in 2017, to gain hands-on exposure to the day-to-day operations of legal practice in rural communities. Hosted by the Alberta Rural Law Opportunities initiative of the Alberta Rural Development Network, the justice bus aims to raise awareness of the opportunities that exist in small and regional firms outside of the province’s major centres.

UCalgary Law offers free LSAT prep for low-income students

In April 2018, we announced a new LSAT prep course for high-potential, low-income students, inspired by similar programs run at the University of Toronto and York University, and supported by Borden Ladner Gervais LLP.

“We know there are access to justice issues across the country,” says Catherine Valestuk, Assistant Dean, Recruiting and Admissions. “We know that some of those are socioeconomic. It’s a small thing in many ways, but it’s an exciting step.”

The 15-week program runs from May to August, and provides assistance with law school applications along with preparation for the admissions test. The course also features a panel of current lawyers to talk about their experiences, as well as other sessions to better inform students about the work of lawyers and law students.

“We know there are access to justice issues across the country.”

Catherine Valestuk
2017 (Class of 2020) admission stats:

- **25** average age
- **3.66** average GPA
- **29%** from outside Alberta
- **161** average LSAT
- **19%** 1st generation Canadians
- **80%** 1st in family to attend law school
- **47** undergraduate areas of study
New course makes students and grads ‘irresistible’ to clients and supporting law firms

What legal structures contribute to the success of an entrepreneurial startup? 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 financings? These are the types of questions being considered by students in the new Entrepreneurial Law course, taught by Bryce Tingle, N. Murray Edwards Chair in Business Law.

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.

This type of creative problem-solving is exactly what Tingle seeks to encourage in his course. Tingle says the course is unique: “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. Startups are vulnerable — a lot can go wrong — and lawyers are essential to their success.”

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.”

Professor Bryce Tingle
N. Murray Edwards Chair in Business Law

Course offers insights into working with the media in times of crisis

We’ve all seen it happen. A story with the right spin can go viral around the world in the seconds, minutes and hours after news breaks. Learning to navigate media sources and stories is complex and competitive. Staying ahead of this curve and having a hand in how the story is shaped in the news can be a make-it-or-break-it for lawyers looking to do their jobs right.

UCalgary Law has responded to this need with the new course Crisis Communications for Lawyers. Taught by Warren Kinsella, LLB’87, who specializes in developing effective communication strategies as the president of the Daisy Group, the course teaches students “to speak effectively to the media in order to serve your client’s best interest.”

Bassam Saifeddine, a student in the course, has gained valuable skills through crisis simulations that are based on real-life scenarios. Through the activity-based seminar sessions, students are put on the spot in a way that mimics a real-life media crisis. When it happens to you in real life, you aren’t going to have warning. This experience has taught Saifeddine that “no matter what area of law you plan on practising, it’s critical to remain current and cognizant of the ways in which media can be used to your advantage in order to best serve your client’s interests.”

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.”

Professor Bryce Tingle
N. Murray Edwards Chair in Business Law

2017 Class articling placement rate:
99%
Average for past 5 years is 98%
1 non-report, 4 not seeking

Summer placement rates:
Our first-year students received about 50%
of the available summer positions in the Calgary market
Next closest school was at 14%

320 awards, scholarships and bursaries given out in 2017/2018
$4,232 average amount
$1,345,340 total support
Research and collaboration for community impact

‘Divine intervention’: Law prof studies impact of interveners in religious freedom litigation

At a time when Canada’s “culture wars” are on the rise, and religious freedom litigation is becoming more complicated, there is a challenge to understand the role played by non-governmental organizations (NGOs) in influencing the legal development of our constitutional rules.

Research being conducted at the law schools of the University of Calgary and the University of Victoria is examining why and how NGOs are making use of the practice of intervention in religious freedom cases. “Divine Intervention: A Study of the Operation and Impact of Non-Governmental Interveners in Canadian Religious Freedom Litigation,” is funded by a SSHRC Insight Development Grant, and looks to understand the role that these groups play in judicial proceedings that affect charter rights.

“We want to know more about why and how NGOs are making use of the practice of intervention in these cases,” says UCalgary Law professor Howard Kislowicz. “We are also trying to find out which organizations are intervening and how often, and to discover how much intervention can affect judicial decisions. All of our research will help to advance the discussion of whether and how intervention is a useful procedure.”

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Professor Howard Kislowicz
Domestic violence and access to justice within multiple legal systems

Professor Jennifer Koshan is the principal investigator for “Domestic Violence and Access to Justice Within and Across Multiple Legal Systems,” funded by the Social Sciences and Humanities Research Council. Koshan is working with co-investigators Wendy Chan (Simon Fraser University), Wanda Wiegers and Michaela Keet (University of Saskatchewan), and Janet Mosher (Osgoode Hall) to examine the access to justice problems that arise in domestic violence cases where different areas of the law intersect, and how these problems differ depending on the jurisdiction where the victims, perpetrator and other family members live. The team recently received additional funding from the Law Foundation of Ontario’s Access to Justice Fund to develop a website to disseminate their research as a resource for trusted intermediaries in domestic violence cases.

Indigenous Strategy

The Cultural Model for the University of Calgary’s Indigenous Strategy tells the story of the Strategy from a unique symbolic perspective. Visit ucalgary.ca/indigenous-strategy for more information.

UCalgary Law welcomes new Resident Fellow in Indigenous Law and Culture

Lee Francoeur joined UCalgary Law as our Resident Fellow in Indigenous Law and Culture in July 2017. He teaches a course in Indigenous Peoples and the Law, in which students have the opportunity to apply in-depth legal research to real-world issues in the rapidly evolving field of Indigenous Law, while working closely with First Nations, industry or government representatives. He also serves as an advisor to our faculty and sessional instructors in Indigenous issues across the curriculum. Lee also works as a mentor for our Indigenous students and is a member of the law school’s Indigenous Student Support Committee, which is currently conducting consultations to assist us in framing our Indigenous Strategy.

Law students launch new Indigenous Law Club

In 2017, several students joined together to launch the new Indigenous Law Club. The club has two purposes: to promote awareness among law students in light of the Truth and Reconciliation Commission of Canada Calls to Action (#27 and #28), and to be a hub for law students interested in Indigenous law, as well as Indigenous students interested in attending law school.
Two new courses give students insight to needs of Indigenous communities

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. Today, students at the Faculty of Law are able to gain a unique perspective on the events leading up to this settlement and how this process worked through a new course, Legal Theory: Residential Schools Litigation, and Professor Kathleen Mahoney’s first-hand experience. As the chief negotiator for the Assembly of First Nations for the largest settlement agreement in Canadian history, 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.

Class action lawsuits almost invariably lead to settlements. The Indian Residential Settlement Agreement demonstrated however, 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.

Professor Kathleen Mahoney

In teaching students about the important issues that relate to this area in the Indigenous litigation course, Mahoney points out that, “Class action lawsuits almost invariably lead to settlements. The Indian Residential Settlement Agreement demonstrated however, 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.”

Mahoney also launched the course Indigenous Legal Traditions, which engages the historical Indigenous legal traditions with current events to highlight how this area of law is currently used, and where there is potential for growth. The course engages students in a visceral way through guest speakers with experience in the area and a guided field trip to Blackfoot Crossing. By gaining broad experience in this area and engaging with topics in an open and respectful environment, students challenge their assumptions and develop a more comprehensive understanding of how Indigenous law can be used effectively in the future.

“Learning about an independent legal order which is fundamentally different from the one I’ve studied in my other classes allows me to think critically about the other areas of law.”

Hannah Hunter-Loubert

Supporting Indigenous students in their law school careers

In May 2018, we announced a new scholarship for an Indigenous student starting law school in September 2019. The Hersh E. Wolch, QC Memorial Award for Indigenous Law Students is a $15,000 renewable scholarship available to one eligible Canadian Indigenous student starting the JD program in September 2019.

In addition to the scholarship, the recipient will also receive mentorship from prominent members of Calgary and Canada’s legal community.

Public Interest Law Clinic supports Alberta Farmers in SCC hearing

In February 2018, the Public Interest Law Clinic appeared before the Supreme Court of Canada as an intervener for the Action Surface Rights Association in the Redwater Energy case and who holds responsibility for abandoned oil wells in the province.

We believe the Alberta courts made serious errors in the Redwater case, and our hope is that the people most affected by the case can play a positive role in helping the Supreme Court correct it.”

Shaun Fluker and Christine Laing

“This leave decision is a boon to rural landowners,” say Shaun Fluker and Christine Laing, of the Clinic. “We believe the Alberta courts made serious errors in the Redwater case, and our hope is that the people most affected by the case can play a positive role in helping the Supreme Court correct it.”
Law school honours those called to the Bench

On June 20, 2018, we unveiled our new Judicial Portrait Gallery, to honour our faculty and alumni who have been called to the Bench in Alberta and across Canada.
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