

Queen's | LAW REPORTS

2023

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Meet Dean Colleen Flood
Health law & policy expert takes helm



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COVER STORY

14 Applying generative AI to law
 Future-minded faculty and alumni share their insights on ways this new artificial intelligence may impact the legal profession, the justice system, and law schools, and how an innovative Queen's team is leading the way with OpenJustice, a free AI-powered bot that knows the law.



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FEATURES

6 Leading in a truly turbulent time
 Mark Walters, Law'89, reflects on the core values that guided his deanship, 2019-2023.



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8 Meet our new Dean
 Colleen M. Flood, an internationally recognized scholar in health law and policy, is set to lead Queen's Law through its next five strategic years.



ELIN SIGURDSON

22 Adding appeal to criminal law careers
 Daniel Brown, Law'04, and Professor Lisa Kerr have established a Criminal Appellate Internship program, giving students hands-on experience and mentorship.



THE CANADIAN PRESS/CHRIS YOUNG

24 Planning your financial future and legacy
 Especially for legal professionals, Leanne Kaufman, Law'96, RBC Royal Trust's President and CEO, shares insights and advice on wealth management, estate planning, and more.



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 QUEEN'S FACULTY OF LAW
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 Tim Butters, Director
 Queen's University
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Editor
 Lisa Graham, Com'88, Artsci'92, MPA'08
 Manager of Communications
 Tel: 613-533-6000, ext. 74259
 Email: grahaml@queensu.ca

Contributing Editor
 Catherine M. Perkins, Arts'58

Contributors
 Marjorie Bousfield, Artsci'78, Ed'04
 Ken Cuthbertson, Arts'74, Law'83
 Nancy Dorrance, Artsci'76
 Phil Gaudreau
 Mark Witten

Design + Production
 Amanda Black

Front Cover Photography
 Bernard Clark



ALUMNI PROFILES

- 11 The Hon. Konrad von Finckenstein, Law'71
- 30 Col. Dylan Kerr, Law'09
- 33 Bindu Dhaliwal, Law'02

DEPARTMENTS

- 2 SCHOOL NEWS
- 36 ALUMNI SPOTLIGHT
 Brig.-Gen. (ret'd) Ken Watkin, Law'80, LLM'90
- 38 ALUMNI NOTES
 With Judicial Appointments

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We are pleased to bring you Queen's Law Reports 2023, where we profile the notable achievements of the Queen's Law community across the areas of research, practice, public service, philanthropy, advocacy, and more. As this is the final issue under my stewardship as Dean, I want to extend my deepest thanks to our richly diverse and engaged community members for their support in advancing this Faculty's vital mission.

Our talented and resilient students not only persevered amidst a global pandemic and adapted to new modes of learning, but also continued to support each other through both formal groups like the Law Students' Society and the many initiatives through which they advanced important causes and enriched our community. Our brilliant faculty members, who had many achievements as leading scholars, researchers, and teachers, have remained steadfast in their dedication to our mission of educating the next generation of legal professionals and leaders. Our administrative staff, whose work is foundational and essential to our success as an institution, secured the effective delivery of programs, resources, and services under the most challenging of circumstances with care, empathy, and compassion.

Our alumni are instrumental in promoting the vitality of our law school, from their participation in councils, mentorships, class fundraising and financial stewardship to speaking at events and lending their time and talents to important initiatives. Our claim that we educate the leaders of tomorrow is based upon a track record: I have met our graduates and can say with confidence that they have, for over 60 years, exemplified leadership in all areas and walks of life locally, regionally, nationally, and internationally.

I am proud of our work in expanding access to justice and legal education. The Queen's Law Clinics continue to address the needs of underserved communities through critical legal support, and our expanding experiential placements give students invaluable and immersive legal training while supporting public interest organizations, Indigenous communities, and non-profits.

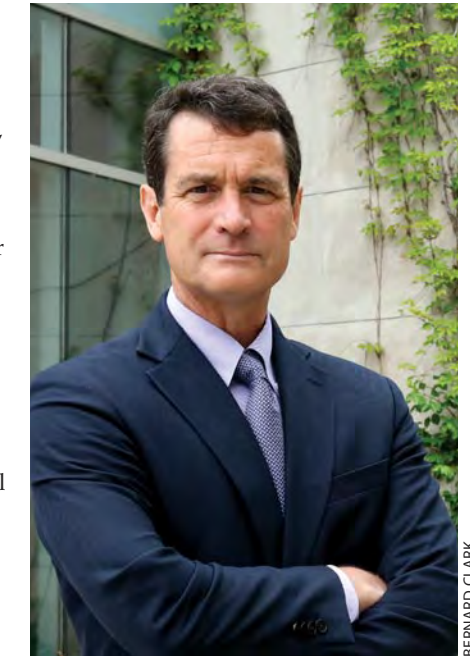
Creating opportunities for first-generation law students, particularly those from underrepresented or equity-deserving communities, continues to drive our priorities. We have made some remarkable inroads, but there is still vital work to be done to ensure that we are building a law school community that represents the broad and diverse cross-sections of Canadian life and contributes to the further diversification of the legal profession in all forms.

I consider it a real honour both to have served as Dean and to pass the reins to Colleen Flood. Dean Flood is a gifted scholar, advocate, and leader with a stellar international reputation in public and health law. This is a law school on the move. I'm sure you will join me in wishing Colleen great success in her role.

Thank you to everyone whose counsel, dedication, and amazing enthusiasm help to make Queen's Law a leading Canadian legal institution. I look forward to engaging with you when I return to my teaching and research duties.

Many thanks, and enjoy Queen's Law Reports!
 Warmly,

Mark Walters, Law'89
 Dean of Law, 2019-2023



BERNARD CLARK

Two scholars' 'innovative' contributions to international justice recognized



Professors Darryl Robinson and Sharry Aiken

Professors Darryl Robinson and Sharry Aiken are members of an academic partnership that has received a 2023 Governor General's Innovation Award. The partnership worked to reform and revitalize international justice, making it more effective, inclusive, and responsive.

The Canadian Partnership for International Justice (CPIJ), a \$2.5-million pan-Canadian research project headed by Fannie Lafontaine (Université Laval), was launched in 2016 with assistance from Jayne Stoyles, Law'96. That initiative brought together 25 researchers from academia, legal clinics, and NGOs. The partners researched how violent crises can be better addressed, to identify their root causes, prevent atrocities, punish perpetrators, and reconcile victims and perpetrators.

Robinson was one of the original co-applicants who helped to develop the CPIJ's framework. His advocacy contributions to the project have included appearing before the International Criminal Court Appeal Chamber in the Hague, Netherlands (to present submissions as a "friend of the court" in the case against Sudan's then-President Omar al-Bashir), briefing a meeting of United Nations diplomats and legal advisors on the draft Crimes Against Humanity Convention, and working to help define the proposed new crime of "ecocide."

Aiken's CPIJ involvement grew out of her leadership role with the Canadian Centre for International Justice, the NGO partner that helped develop the initial pilot for the Partnership. As a scholar of international refugee law, she devotes herself to "thinking through how immigration remedies fit into the international justice puzzle" and "to advocating for greater restraint by refugee-receiving states in deploying civil remedies... instead of doing the harder, but important, work of criminal prosecutions." Her work with the CPIJ has focused on knowledge mobilization. And as Co-Editor-in-Chief of the *PKI Global Justice Journal*, Aiken curates scholarly and policy contributions to the field of international and transitional justice.

— KC

Professor Lindsay Borrows, who led students from campus to the nearby shore of Lake Ontario in February to teach them about Indigenous law and ecological governance, has been recognized for a new course in Chippewa territory.

GREG BLACK

Bala's 'gold star' contributions earn him provincial family law award

Professor Nick Bala's "gold-star standard" contributions to the Ontario Chapter of the Association of Family and Conciliation Courts (AFCC-O) and the family justice system were recognized by his receipt of the 2022 Dena Moyal Distinguished Service Award. Presenters cited his many collaborative multidisciplinary projects for improving the family justice system and outcomes for children and parents. Some projects involved law students and Queen's Family Law Clinic Director, Karla McGrath, LL.M'13.

The citation particularly notes Bala's leadership role in preparing the *AFCC-O Parenting Plan Guide* and *Template* materials that provide guidance for the making of child-focused, developmentally appropriate plans for the care of children whose parents have separated. These materials are now being cited by courts in Ontario as an authoritative resource. This year, Bala has been working with AFCC chapters in Alberta and British Columbia to adapt the materials for use in those provinces as well.

Borrows receives grant for intensive Indigenous community-based course

Professor Lindsay Borrows' newest curriculum offering, *Indigenous Law in Context*, has been named one of five Principal's Impact Courses at Queen's. With that distinction comes a \$10,000 grant to develop her course to enhance the student learning experience and align with Queen's vision to effect real, positive change.

In partnership with the Chippewas of Nawash First Nation, she and her students will spend four immersive September days on the reserve located along the shores of Georgian Bay. There, students will learn from community-based scholars and the land itself, which Borrows calls an Anishinaabe "casebook" full of legal precedent for how people might make decisions, resolve disputes, create community safety, and pattern their lives together as Indigenous and non-Indigenous people. This experience will help students learn how to read this living casebook and how to harmonize and productively identify tensions between Indigenous laws and the current core law school curriculum.



ALEXANDRIA RUIGROK, LAW'24



Professor Nick Bala

BERNARD CLARK

Partnership with IITIO will boost Indigenous trade initiatives



CHRISTINA ASPERILLA

Oct. 31, 2022: Dean Mark Walters and Wayne Garnons-Williams, Law'90, International Inter-Tribal Trade and Investment Organization President, shake hands at a law school ceremony after signing a memorandum of understanding to form a strategic legal and research alliance related to intertribal trade along the Canada-U.S. border.

Queen's Law has taken another pivotal step in its commitment to engage in Reconciliation.

In a formal October 2022 ceremony, then-Dean Mark Walters and Law'90 alumnus Wayne Garnons-Williams, the founding president of the International Inter-Tribal Trade and Investment Organization (IITIO) and Canada's Indigenous lead negotiator for the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA), signed a Memorandum of Understanding to form a strategic alliance that commits Queen's Law and IITIO to assist Canadian First Nations and American tribes as they research and develop tools to help them exercise inherent Indigenous rights related to intertribal trade along the Canada-U.S. border.

The innovative pact is the first in which a Canadian law school has pledged its support for the IITIO's principles and objective.

"Collaboration between tribal nations, law professors, law students, and IITIO will bring a focus of research to aid in the development of understanding for provincial, state, and federal governments in the development of international intertribal trade and investment," says Garnons-Williams, who is a Plains Cree from Treaty 6, Moosomin First Nation. "That in turn will help Indigenous business expand into new markets and employ and train local tribal members. This will allow for greater wealth to circulate within the Indigenous communities and in turn raise the tribal community's standard of living."

Under Garnons-Williams' leadership, Canada – through the Global Affairs Indigenous Working Group – has helped to develop, negotiate, and enter IPETCA with the governments of New Zealand, Australia, and Taiwan and their respective Indigenous working groups. As a result, officials in the United States, Peru, Chile, and other nations with significant Indigenous populations also are considering becoming involved.

The IITIO's eighth Indigenous Trade Conference will be held Nov. 13-15 at the Choctaw Nation Conference Centre in Durant, Oklahoma. To register, please visit <https://iitio.org/>.

— KC

Three Law contributors help uncover Canada's hidden flows of dirty money

A recent book that drew international attention – *Dirty Money: Financial Crime in Canada* (McGill-Queen's University Press) features contributions by the late Professor Art Cockfield, Law'93; Jeff Simser, Law'89, a Toronto lawyer and former Legal Director of Ontario's Ministry of the Attorney General; and Katarzyna (Kasia) McNaughton, PhD'22. This new book, co-edited by Queen's and RMC Professor Christian Leuprecht, is a product of his and Cockfield's last SSRHC-funded project to investigate the hidden financial underworld that enables global financial crimes.



QLA's newest Review Counsel combines passion for both law and teaching

She's still settling into her new job as Review Counsel with Queen's Legal Aid (QLA), but Sarah Forsyth, Law'15, already has found aspects of her work that she really enjoys: working with students and being able to help legal aid clients deal with issues that many of them find befuddling.

Forsyth developed a passion for legal aid work in second year of law school while she completed an externship placement with the Community Advocacy and Legal Centre in Belleville, Ont. "That was my first opportunity to do 'hands-on' work in a clinical setting, and I really enjoyed it," she says. As a result, she spent a summer working with the Kingston Community Legal Clinic (KCLC), where she went on after graduation to article and then practise, focusing on residential tenancy cases.

Being a "people person," she branched out in 2019 to teach an introductory course in residential tenancies law in Loyalist College's Paralegal program – another new experience she enjoyed so much that when the opportunity to work at QLA came along last March, she went for it.

Forsyth's learning curve there has been a steep one. "While I'm still practising law, I'm now doing it by advising and directing students as they do the work a lawyer normally does. This has required some adjustment on my part, and I'm still learning. But I love what I'm doing at QLA."

— KC



Sarah Forsyth, Law'15, Review Counsel, Queen's Legal Aid

BERNARD CLARK

Queen’s team competes with nine schools to win national IP moot’s Fox Cup

Queen’s Law mooters have brought home the Harold G. Fox Cup, and all the competition’s oralist prizes, at the moot hosted by DLA Piper LLP of Toronto. The team – oralists Nosheen Hotaki, Lauren Daly, Cavina Tsoi, all Law’24, and Ingrid Kao, Law’23; student coach and researcher Liran Yefet, Law’23; and their coach, Professor Bitá Amani – beat teams from nine other Canadian law schools in the intellectual property moot. In addition, respondents Hotaki and Daly were named the “best mooting team,” Hotaki won best oral advocate and mooting excellence awards, and Daly was named runner-up best oralist.



Winners of the 2023 Harold G. Fox Intellectual Property Moot: Professor Bitá Amani, Cavina Tsoi, Nosheen Hotaki, Lauren Daly, Liran Yefet, and Ingrid Kao.

Trial advocacy cup stays at Queen’s

Law’23 students Tony Virgin and Melissa Hawco won the 2023 Ontario Trial Lawyers’ Association (OTLA) Cup as the best team. Tony also received the best cross-examination award. It’s the second year in a row that Lenczner Slight LLP partners Brian Kolenda, Law’10, and Jonathan Chen, Law’12, have coached the Queen’s team to victory in the provincial competition.



Coach Brian Kolenda, Law’10, with 2023 OTLA Cup winners Tony Virgin and Melissa Hawco.

Student saluted for pro bono leadership

Christina Papageorgakopoulos, Law’24, won a Chief Justice Richard Wagner Award for her outstanding work as a Pro Bono Students Canada (PBSC) volunteer. “Christina has completely transformed the ID Clinic,” wrote a nominator about her leadership of a clinic that provides legal services to the homeless and marginally housed. Students are paired with volunteer lawyers to interview clients, provide information, and fill out appropriate paperwork to obtain government-issued identification.



Christina Papageorgakopoulos, Law’24

“Christina’s ability to recognize issues, develop strategic plans, and execute them to perfection has allowed her to build lasting connections for the ID clinic within the Kingston community and beyond,” the nominator continued, noting her exemplary commitment to PBSC’s mission of providing free legal support to people and communities facing barriers to justice.

Students recognize Black History and Futures Month on campus and across Canada

“February was filled with learning, collaboration, and celebration!” sums up Uche Umolu, Law’25, President of the Black Law Students’ Association - Queen’s Chapter (BLSA-Queen’s). She’s referring to the various ways her group marked Black History and Futures Month. Among the highlights:

- Esi Codjoe, Law’03, one of *Canadian Lawyer* magazine’s Top 25 Most Influential (2018), spoke with students about her journey through law school to partnership with Toronto’s Turnpenney Milne LLP;
- Jodeen Williams and Kate Dossetor, both Law’23, coached by Professor Lisa Kelly, represented Queen’s at the national Julius Alexander Isaac Moot, debating how trial judges should take evidence of anti-Black racism into account in sentencing;
- Twelve students attended BLSA Canada’s annual four-day conference in Halifax, attending panels on various areas of law, a career fair with employers from all practice areas, and a gala dinner celebrating Black leaders in the legal community and fellow Black students.

Reporting that she left Halifax “energized and eager,” Dainelle Barham, Law’23, says, “It was humbling and exciting to see and meet influential Black trailblazers and changemakers like the Hon. Michael Tulloch, Chief Justice of Ontario.” For Umolu, interacting with members of other BLSA chapters and networking with “amazing law firms who put diversity at the forefront of their work” was a major takeaway. “Overall, this conference rejuvenated us,” she recalls. “It provided a foundation that we can use to continue to elevate the Black Law Students’ Association here at Queen’s and also

Annual student-run conference examines Reconciliation in business, law, and more

Since 2019, Queen’s Law and Smith School of Business students – some Indigenous, some not – have been jointly organizing the Queen’s Conference on Indigenous Reconciliation (QCIR), featuring scholars, advocates, and legal and business professionals. Before a record number of 183 attendees (on campus and via Zoom), this year’s conference focused on “Sustainable Pathways to Reconciliation,” namely, how to make reconciliation durable, and what is needed for that to happen.

“We brought in speakers with conflicting viewpoints, from many different backgrounds, and the conversations reflected that diversity,” says Sinead Dunne, Law’24, QCIR Co-Chair. Two of them were keynote speakers: Wayne Garnons-Williams, Law’90, one of Canada’s leading advocates for Indigenous international trade, and Larissa Crawford, a restorative circle keeper and an Indigenous and anti-racism researcher. Other speakers and panellists included Professor Lindsay Borrows and alumnae Jaimie Lickers, Law’07, and Shelby Percival, Law’20.

“We were also pleased that students connected with community members from local law firms and other businesses,” adds Dunne, noting that plans have begun for QCIR 2024 that will take place next winter. Updates will be posted at <https://www.queensreconciliation.com/> starting this fall.



Twelve BLSA-Queen’s members – including (clockwise from left) Dainelle Barham and Jodeen Williams, both Law’23, and President Uche Umolu, Law’25 – participated in this February’s Black Law Students’ Association conference in Halifax.

as we begin our careers.”

In March, BLSA-Queen’s members hosted a one-day outreach event for local Black high school students, met Black JD admission offerees, had mentorship sessions with Black alumni, and toured area law firms.

Noting that BLSA-Queen’s has more than tripled its membership over the past year, Umolu adds, “It is extremely inspiring to lead this wonderful group of young leaders, and we have so much more planned for the future.”

– ND

Calling Black and Indigenous Law alumni!

Share your experiences and advice to help those who will follow you to succeed in the legal profession. Become a mentor to Black and Indigenous students. To get involved, please contact the Director of Indigenous Initiatives and EDI Programs, Stacia Loft, Law’20, at sl174@queensu.ca



Each year, the Queen’s Conference on Indigenous Reconciliation brings in speakers who are prominent Indigenous legal or business professionals like Wayne Garnons-Williams, Law’90, shown in February 2023, a key negotiator in the Indigenous Peoples Economic and Trade Cooperation Arrangement.

Leading in a truly turbulent time

Mark Walters reflects on the core values guiding his deanship

Over the past four years, Dean Mark Walters, Law'89, has steered the law school through one of the most turbulent periods in its history, while setting into motion holistic measures to ensure Queen's Law remains a Canadian leader in legal education for generations to come.

A dedicated, thoughtful, and impactful leader, he leaves an enduring legacy at the school, including these milestones:

- rapid transition to remote teaching amid pandemic lockdowns and restrictions;
- establishing an Anti-Racism Working Group and opening a Black applicant category for JD admissions;
- appointing the first Indigenous law professor and the first Director of Indigenous Initiatives and EDI Programs, and forming a strategic alliance with the International Inter-Tribal Trade and Investment Organization; and
- launching the online Graduate Diploma in Immigration and Citizenship Law.

When his decanal term came to a close on June 30 (a year early, by his choice), he shared with *Queen's Law Reports* Editor Lisa Graham his thoughts on the law school community members he has engaged with through the milestone events, actions, and initiatives that have taken place.

QLR: As your deanship comes to an end, what would you like to say to or about your Queen's Law community?

Walters: It has been a real privilege for me to come back to my alma mater in such a role. We have world-class researchers and teachers, dedicated staff, brilliant students, and impressive alumni. To have been the Dean of this community has been such an honour! I am very grateful for the opportunity. At every step, I have had loyal support, and very often this support has come in the form of constructive criticism and invaluable suggestions.

QLR: You have led the law school through some of the most challenging times in its history: a global pandemic, the university's de-naming of the law building, and anti-racism movements around the world. What was your guiding mission in dealing with these challenges? And, in retrospect, is there anything you'd do differently?

Walters: In responding to various challenges during the last four years, I have tried to keep in mind the basic values that distinguish Queen's Law – that we are a school with a very strong sense of community and a strong commitment to furthering the ideals of legality and public service in an increasingly troubled world. Keeping these basic points in mind was helpful when the going was tough. Of course, it's easy to look back and see certain things that might have been done differently. I think that's natural. At times, perhaps larger strategic steps were delayed too long while

we dealt with specific issues that COVID made immediate and pressing. I have learned a great deal about how complex organizations work. I especially learned to value cooperation and consultation. On many occasions, my opinion on what to do changed after advice from other administrators, colleagues, and students. It has been a team effort.

QLR: What are your fondest moments from your role as Dean of Law?

Walters: Of the many moments I have cherished, four stand out. First was welcoming new students on their first day of orientation. Their excitement never failed to remind me of my own as a first-year Queen's Law student in 1986. Second, and equally valuable for me, was congratulating students on their graduation and awards at Convocation. Sharing their sense of accomplishment and pride has been such a special experience. Third, I have enjoyed immensely the opportunities I've had to meet and talk with our graduates. I can't tell you how impressed I am, not just by their careers, but also by their ongoing interest in and support of their law school. Finally, I have felt a genuine sense of pride every time one of our faculty members has had an important article or book published, recognized, or cited by the courts. Our work makes a difference in the world.

QLR: What are your proudest accomplishments as Dean?

Walters: Although we were slow off the mark (due to COVID-19), the development of our Faculty's *Strategic Framework, 2021-2026*, and the curricular review process undertaken as a result, are major achievements that will have lasting impacts. These aren't my accomplishments, of course, but the work of many dedicated people in the law school community. And though I won't be Dean when the impacts are fully realized, I do think that these are steps leading us in exciting directions. Another major achievement during my deanship was the construction and launching of the online Graduate Diploma in Immigration and Citizenship Law, which almost doubles the number of students enrolled in our school, though again the real work was done by other dedicated leaders and teams who worked tirelessly to bring this program into being.

QLR: How would you like to be remembered as Dean?

Walters: I would be happy to be remembered as "a decent person who tried his best." I hope I am remembered as the Dean who, after a time of dynamic growth and expansion under the long deanship of Bill Flanagan, served as a sort of bridge through a difficult time of constraint and crisis, bringing us to a new day of exciting growth and expansion under our next Dean of Law.



BERNARD CLARK

Professor Mark Walters, Law'89, completed his tenure as Dean of Law on June 30. Before returning to campus as a "regular" faculty member, he's looking forward to an upcoming academic leave when he'll focus on finishing a book and guesting at Balliol College, Oxford.

QLR: Why did you select the Indigenous Faculty Resource Fund for your legacy fundraising project?

Walters: My interest in Indigenous legal traditions stretches back to my final term as a Queen's student in 1989, when I took a course on Aboriginal Peoples and the Law taught by Professor Noel Lyon. In my doctoral thesis, I examined the legal history of how the common law responded to Indigenous law, and I have remained interested in this question ever since. But the times have changed dramatically in the last 30 years, and the challenge of reconciliation is opening new and innovative approaches to teaching and learning in this area, including partnerships with Indigenous communities' leaders, elders, and members. I hope this legacy project ensures that Queen's can make a distinctive contribution to these exciting developments.

QLR: What's next for Professor Mark Walters?

Walters: I'm looking forward to being a regular faculty member within the law school again, teaching and researching, but first there'll be a one-year administrative leave when I hope to complete a book on the legal history of the Crown-Indigenous treaty relationship. I will spend part of the winter/spring of 2024 as a Smithies Visiting Fellow at Balliol College, Oxford, following up on research

suggested by my recent book *A.V. Dicey and the Common Law Constitutional Tradition*.

QLR: What will be your general advice to your successor?

Walters: The future is bright. That's my outlook. Ensure that you find time to make the deanship fun.

Mark Walters' legacy project:

Support Indigenous initiatives

You can help Queen's Law advance critical initiatives related to Indigenous curriculum research, legal capacity building, program development, conferences, lectures, and workshops. Donations to the Indigenous Faculty Resource Fund, selected by Mark Walters as his legacy fundraising project, can be made at <https://givetoqueens.ca/honouring-dean-walters>

Meet our new Dean, Colleen M. Flood

Health law and policy expert takes the helm at Queen's Law



BERNARD CLARK

Dean Colleen M. Flood stands in the courtyard outside the Law Building at Queen's, where she began her five-year term in the top post on July 1.

Dean Colleen M. Flood has earned a stellar international reputation as a gifted scholar and leader in the areas of health law and public law. On July 1, she arrived on Queen's campus to begin her five-year term as Dean of Law.

She comes to Queen's from the University of Ottawa, where she had been the Research Chair in Health Law & Policy since 2014. One year later, she founded that university's Centre for Health Law, Policy and Ethics. As the Centre's Director, she led a multidisciplinary group of 40 core faculty members. Considered the largest of its kind in Canada, and one of the largest in the world, the Centre enables collaboration and communication by bridging gaps between disciplines such as law, policy, health sciences, and medicine.

Prior to that, Professor Flood served as the Canada Research Chair in Health Law and Policy with the University of Toronto's Faculty of Law, 2000-2014.

With a range of accomplishments and honours, Flood was recently named a Justice Emmett Hall Laureate (2022), a member of the Canadian Council of Academies Scientific Advisory Committee (2021), a member of the Royal Society Task Force on COVID-19 (2020), and a member of the Royal College of Physicians & Surgeons Task Force on Artificial Intelligence (2020).

As a researcher, Flood has built a reputation for pushing the traditional boundaries of health law to draw attention to law's role in the broad relationship within health systems. Her comparative research has informed national and global debates over privatization, health system design, accountability, governance, and health rights. Her latest work focuses on the governance of health-related artificial intelligence. She is also a recognized leader in public law, particularly the relationship between constitutional law and health care/health policy issues, and in administrative law.

Dean Flood holds both a Doctor of Juridical Science and a Master of Laws degree from the University of Toronto, and a Bachelor of Laws (Honours) degree from the University of Auckland in her native New Zealand, where she

practised for three years before starting her graduate studies.

One week into her new job leading Queen's Law, Dean Colleen Flood sat down with *Queen's Law Reports* Editor Lisa Graham to share her thoughts and her plans for the school and its community members.

QLR: Welcome to the Queen's Law community, Dean Flood. What do you plan to do first?

Flood: I want to continue meeting with every faculty member to explore their work, interests, and needs and then determine, from administrative and governance perspectives, how to ensure that each of them can achieve their passions in teaching, research, and service. It has been wonderful so far, getting to know how remarkable each faculty member is and what animates and engages them. I will meet with every staff member, too, learning their interests and needs, how their work supports Law's teaching, research, and service mission, and how to further enhance their critical work in supporting student success, EDII (equity, diversity, inclusion, and Indigeneity), alumni engagement, and career development.

QLR: What do you consider the school's three biggest challenges at this time?

Flood: Coming to Queen's from outside, the biggest challenge I see is that despite the faculty having incredible research talent, there is no research office within the school to adequately support them. I think it's really important that we elevate, accelerate, and support impactful research and that we figure out the mechanisms and structures necessary. We need to find effective means to let the world know about our incredible research in addition to the exemplary teaching, professional training, and experiential learning opportunities we provide. I see it as a major challenge to communicate to the world the Queen's Law Faculty as I am discovering it: an amazing place to work, do research, and to be a student.

A second significant challenge is ensuring a sustainable financial future for the Faculty. We continue to

identify new sources of revenue to help us build and improve our students' holistic learning experience, to see that student experience revolving more around our research mission, and to support our service work. Identifying new sources of revenue has to be a top priority for the Law Faculty and for Queen's more broadly, so we can deliver excellence in teaching, research, and service.

The third challenge relates to efficiency and governance. I must make sure our resources are aligned toward achieving our strategic goals. As Dean, I'll work to ensure that we have the appropriate governance and accountability structures in place to support the *Strategic Framework 2021-26* and our mission of providing Canada's best legal education.

QLR: What do you see as the school's greatest strengths?

Flood: Its people. The staff and faculty are fabulous, so we really need to figure out ways to liberate them to do their greatest work. Related to that are the people we have taught to go out to the world: a fabulous alumni community that hews strongly to Queen's and to Queen's Law. We're grateful for them and their enduring support in all sorts of ways. We'll continue to develop new ways to stay engaged with our graduates around the world and across Canada. It enriches and empowers our students to connect with those alumni and see the vast possibilities that await them in an evolving legal sector... the many and different paths to success those alumni represent.

QLR: Have you developed your top priorities yet?

Flood: Let me go back to research. I think it acts synergistically with high-quality teaching, legal advocacy, and improved public policy and service. If we have outstanding research, we will have outstanding teachers, so we need to support the research mission more robustly. Part of that will be efficiency – clearing away things that might be holding people back from achieving the outcomes we need. It's easy in a large organization to forget the impact of small changes on people's day-to-day work lives. I want to always be alert ►



BERNARD CLARK

During her first interview as Dean of Law at Queen's, Colleen Flood talks about what she sees as the school's greatest strength: its people.

to that. Fundraising and securing new lines of revenue must be priorities to achieve all the other good things. I'm honoured to have the opportunity to speak to donors about the wonderful work of our faculty, students, and staff.

QLR: What are your short-term goals?

Flood: In the first few weeks, I am gathering information to understand more deeply everybody's strengths and passions and what may be barriers to fulfilling their teaching, research, and service goals. My other short-term goal is some management reform, including revising our governance structures to ensure we are focused on our strategic plan's goals, and that the resources we have are driving those objectives.

QLR: How would you describe your leadership style?

Flood: I love to work in teams. I get a lot of energy from other people and will work in collaboration with our senior leadership team. I hope that people always feel they can knock on the door and tell me about great opportunities or

challenges that they are facing. Then it's my job to see how we can fix it, achieve it, go about realizing it, so that we can do what we're all here for. So, listening and teamwork are important to me, but at the end of the day, I will make decisions that support a very high-functioning organization, achieving our teaching and service goals; providing a wonderful student experience; and supporting and communicating our outstanding research.

QLR: How do you plan to engage with your Queen's Law community – students, faculty, staff, and alumni?

Flood: With the students, I will meet frequently with Law Students' Society leaders. Engagement with students will be part of the institutional structure. I plan to have joint monthly staff and faculty meetings so we can learn more about staff and what they do, and about faculty members' research or teaching. Because it's important to build community, I'll try to create more opportunities to gather in person as much as possible. We'll always have folks

who aren't able to come, but we can include them in a hybrid fashion. I hope we'll be able to increase our in-person events for the joy of just being together after those long COVID-19 years.

As for alumni, I'll be reaching out to individuals and I'll be going to all Law alumni events and travelling across Canada to make connections. Wherever we can, we'll find ways to bring alumni back to campus to present, engage, and interact with faculty and students.

QLR: What are your interests and hobbies?

Flood: My 11-year-old son makes basketball, volleyball, golf, and skiing major sources of interest for me, but personally I love swimming in fresh water. Since we have a home on a lake near Sydenham, I'm a very happy camper at this time of year. I jump in the lake before I leave for Queen's and again when I get home. I'm a voracious reader, especially of historical fiction and love to gather friends, colleagues, and family for dinner and conversation.

QLR

Meet von Finckenstein the Fixer: Canada's negotiator in some historic agreements

The Hon. Konrad von Finckenstein, CM, KC, Law'71, former CRTC and Competition Bureau head and new Order of Canada member, reflects on career-making global deals and analyzes Ottawa's internet policy bills.

BY PHIL GAUDREAU



2023: The Hon. Konrad von Finckenstein, CM, KC, Law'71, now retired, in his Gloucester, Ont., home office, where mementos of some key career moments are displayed. They include framed newspaper articles about three major deals he made as head of Canada's Competition Bureau, plus major-occasion photos and a magazine cover (coded 1, 2, and 3 above) that appear with captions on the following pages. ▶

Continued from page 11

To say the career of Konrad Winrich Graf Finck von Finckenstein has been a big deal would be selling it short.

In fact, his decades of public service to Canada, recently acknowledged through his induction into the Order of Canada, featured several very large deals.

Von Finckenstein was born in Germany in 1945 and immigrated to Ottawa with his family when he was 17. After completing an arts degree, he enrolled at Queen's Law – the closest law school still accepting applications at the time.

After articling at the Department of Justice's Toronto offices, he moved into full-time work there, gaining experience in property law and tax law. His fluency in Spanish led to his involvement in negotiating a nuclear reactor deal in Argentina, drawing the attention of his supervisors and setting the course of his career for years to come.

"Because of my commercial law experience, I became responsible for a lot of big deals, such as the bailouts of Massey-Ferguson and Chrysler, and the relocation to Canada of new industry, such as helicopter manufacturer Bell Textron," he says. "I became a bit of a fixer, which then led to my being involved with Prime Minister Brian Mulroney in free trade negotiations with the Americans for three years. That was fascinating."

Von Finckenstein served as Senior General Counsel in the government's Trade Negotiations Office and as head of the NAFTA dispute settlement negotiation team, later becoming head of the agreement's Canadian implementation team.

While most think of NAFTA and its successor agreement, USCMA, in terms of how they affect the costs of goods, these agreements must be carefully negotiated, since they can reshape entire sectors of economies. Von Finckenstein points, for instance, to the result for Canada's carpet producers in 1998, when NAFTA changed tariffs to "basically zero" on the still-trending flooring option.

"Canada was being flooded with carpets from the U.S. and, because they have much bigger production facilities, it nearly killed our carpet industry," he says. "However, Canadian producers then started to concentrate on specialty carpets, like those for hospitals, and in the end we both prospered. It was a very painful adjustment, but this is exactly what has happened in all sorts of other industries; we found the niches where we could compete and left the ones where we couldn't to the Americans."

When his trade and commercial law experiences saw von Finckenstein become Commissioner of Competition and head of Canada's Competition Bureau, "the fixer" was soon facing two major cases: proposed mergers between some of Canada's biggest banks, which were reviewed by several different government organizations and ultimately quashed by the then-Minister of Finance, and the December

1999 bankruptcy of Canadian Airlines.

"There were thousands of Canadians abroad who simply couldn't be stranded just before Christmas," he recalls.

"What we didn't realize until the first International Competition Network conference was that by bringing together the best minds working on competition in government, private practice, and academia, we were creating a gold standard for dealing with international cartels and mergers."



1988: Following the signing of the Canada-U.S. Free Trade Agreement, Prime Minister Brian Mulroney (right) shakes hands with Konrad von Finckenstein, QC, Law'71, Senior General Counsel with Canada's Trade Negotiations Office, while Chief of Staff Derek Burney (Arts'62, MA'64, LLD'98) looks on.



2002: Konrad von Finckenstein, Commissioner of Competition with the Competition Bureau of Canada and founding member and Chair of the International Competition Network, receives the Outstanding Achievement Award of the Public Service of Canada from Governor General Adrienne Clarkson.

"There was no way we could turn down the airline's merger with Air Canada, even though it was totally contrary to competition principles. We struggled with that considerably and had to get special powers to deal with it."

During his time at the Competition Bureau, he recognized a lack of consistent standards and practices in competition law around the world, so he spearheaded a new global association: the International Competition Network for employees of competition bureaus and other people engaged in competition law and policy. Given his Canadian citizenship and ability to speak German, von Finckenstein was a natural choice as its first chairman.

"What we didn't realize until the first Network conference was that by bringing together the best minds working on competition in government, private practice, and academia, we were creating a gold standard for dealing with international cartels and mergers," he says. "The Network now counts every competition agency in the world as a member."

His commercial law expertise came into play once again following his time at the Competition Bureau: von Finckenstein was appointed a federal court judge for four years, handling intellectual property law cases as well as refugee claims and acquiring that "Honourable" title that fits so well with his many accomplishments.

Next, he started a five-year term, 2007-2012, chairing the Canadian Radio-Television and Telecommunications Commission (CRTC), introducing framework policies such as net neutrality, diversity of voices, vertical integration, and transition from analog to digital television to protect competition among Canada's broadcasters during a time of increasing consolidation. It was during his term, for instance, that Bell purchased CTV and Rogers bought CTV Astral Media.

Aside from some consulting work, von Finckenstein largely retired following his CRTC term, though he remains an avid news watcher, is a Senior Fellow of the CD Howe Institute, and occasionally comments through articles published by the Macdonald-Laurier

Institute, *Policy Options*, and more. He has been pleased with the government's ambitions to update *Canada's Competition Act* for the internet age. He has been less pleased, however, with federal government Bill C-11, which aims to bring Canadian internet content into the purview of the CRTC, and Bill C-18, which would force internet platforms to pay Canadian news organizations for linking to their content.

"The kernel of their thinking is correct, but the way they are implementing these bills is unnecessarily complicated and backward," in his opinion. "C-11, for instance, wants to treat streamers like Netflix or Hulu as part of the broadcasting system. But our policies weren't written to cover streamers; what's prime time on Netflix?"

"With C-18, we're telling companies like Google and Facebook they have to negotiate deals with Canadian newsmakers or be subject to binding arbitration,

"Our broadcasting competition policies weren't written to cover streamers. What's prime time on Netflix?"



2010: The Hon. Konrad von Finckenstein, retired Justice and then-CRTC Chair, appears on the front cover of the January 2010 issue of PLAYBACK as the magazine's 2009 Person of the Year.

but arbitration only works if there is mutual interest in making it work. There isn't," he points out. "We should have called a Royal Commission to acknowledge digital changes as a great disruptor and explore what that means in every facet of life, and not just from technical aspects."

His career involved multiple and different kinds of law and a wide variety of organizations and challenges. Yet von Finckenstein says it was basic principles and "bread-and-butter" law courses like contracts, property, and torts that kept him grounded and able to move forward during many of the big deals of his career.

He has advice for law students: "Law is there to order behaviour so that we don't come into conflict, or, if there is conflict, that we resolve it quickly and harmoniously. We can get lost so quickly in the details and technicalities, etc., that we lose oversight. When you get into a fancy, convoluted case with many technical details," he adds, "always go back to basics and ask yourself what you're trying to do and where you're trying to go."

QLR



APPLYING GENERATIVE AI TO LAW

Opportunities and risks

A revolutionary technology can now be used to create any type of content, from text, audio, and images to videos and simulations. Faculty, alumni, and students share their insights on how this new artificial intelligence can impact the legal profession, the justice system, legal education, and the field of intellectual property, and how a Queen's team is leading the way with an innovation specializing in law.

BY MARK WITTEN

Artificial intelligence (AI) is being applied to (many people say “disrupting”) almost every industry and profession, and the legal profession is no exception. Since its release by California company OpenAI last November, ChatGPT – an AI-powered chatbot tool that answers questions with convincingly human-like responses – has captured the public imagination and already demonstrated the powerful capabilities of generative AI as a tool with the potential to transform the delivery of legal services. Because a substantial part of lawyers’ work takes the form of written documents, generative AI’s ability to rapidly absorb a huge amount of information and then create original content based on a user’s prompt suggests these technologies could change what lawyers do and how they do it in a multitude of ways.

In this multi-segment feature, Queen’s Law faculty, graduates, and students with expertise in relation to these issues share their perspectives, experience, and advice on the opportunities and risks of generative AI in three necessarily overlapping fields:

- the legal profession
- legal education
- the Canadian justice system.

“For the public, generative AI is a powerful tool

that can potentially increase access to justice by empowering those who can’t afford a lawyer to pursue their own legal claims,” says Professor Samuel Dahan, Director of the Conflict Analytics Lab (CAL), a consortium for AI research on law, compliance, and conflict resolution, based at Queen’s Law and the Smith School of Business at Queen’s. “For lawyers and law firms, generative AI can augment their practice by providing more efficient ways to tackle problems and serve more clients. It can also help lawyers make better decisions by extracting and synthesizing knowledge from a sometimes-vast repository of data from their firm’s past work.”

Like many new, transformative technologies, generative AI also presents risks, flaws, and limitations that legal practitioners, law faculty and students must address to realize the benefits. “As lawyers, legal educators, and researchers, we have to ensure we’re using generative AI to upskill not deskill,” says Professor Bitu Amani, whose specialization includes intellectual property law, information privacy, and data protection. “It would be a serious risk and a grave error to over-rely on these technologies, because generative AI doesn’t have understanding or judgement, and ChatGPT doesn’t care about the truth of the information it provides.” ▶

Law Professor Samuel Dahan (2nd right) with three of his 2022-23 Conflict Analytics Lab (CAL) students – Mohamed Afffy, Law’24, and Ingrid Kao and Solinne Jung, both Law’23. They are part of a team building OpenJustice, a new generative AI system that can change the legal profession. Although CAL’s main server has both a campus and a cloud location, every team member works on a personal computer, wherever they may be located.

BERNARD CLARK

OpenJustice is Coming

CAL's innovation opens justice to the public

The idea for OpenJustice, which opened to its first partners in May by the Conflict Analytics Lab (CAL), started two years ago with a project dubbed the Smart Legal Clinic. Four innovators with a shared vision – Law Professor Samuel Dahan, CAL Director; David Liang, Law'21, Smith's Program Manager of Analytics and AI Ecosystem; and, from Queen's Computer Engineering, Professor Xiaodan Zhu and PhD candidate Rohan Bhambhoria – had been working on an AI project compiling a series of answers to common legal questions asked by everyday Canadians on such popular online forums as Law Stack Exchange and Canadian law subreddits – “the kind of places people go for legal advice because they can't afford a private law firm and they don't meet the income requirements for legal aid,” says Liang.

“When OpenAI came out with ChatGPT, we realized it might be possible to train a legal language model on the repository of information that we encoded and create a large language model with the broad capability of answering many legal questions with sources,” he continues. “Fortunately, we had already been working on our legal database and this technology came along at precisely the right time. We decided to move fast.”

And so OpenJustice was trained – a specialized generative AI tool created to perform legal tasks. It's an interactive, natural-language-processing interface that allows users to ask common legal questions when they need guidance. “OpenJustice,” says Dahan, “will provide reliable, in-depth answers to legal questions and also address the shortcomings of generalized-language models like ChatGPT. In the first phase, the prototype will be trained and improved through collaborations with sophisticated partner-users with legal knowledge: law schools, top national law firms, legal scholars, and public interest organizations. Once that fine-tuning process is done, OpenJustice will be open to the public.” That will be great news to some of the other legal stakeholders cited on the pages that follow.

In conducting troubleshooting research to help guide the development of OpenJustice, Dahan's CAL students, including Solinne Jung, Law'23, tested ChatGPT and GPT-4 on various legal questions derived from popular online



Law Professor Samuel Dahan (middle) with two of his three multidisciplinary co-founders of the new generative AI system called OpenJustice: David Liang, Law'21, (Smith School's Program Manager of Analytics and AI Ecosystem); and Computer Engineering Professor Xiaodan Zhu. Not shown: Rohan Bhambhoria (PhD candidate in computer engineering).

forums. Their findings, on which Dahan is writing a journal article, revealed some serious flaws and limitations in the chatbot's responses.

“One major issue was that ChatGPT would often provide the right answer but not any citations for the cases it was referencing,” Jung points out. “Or the underlying reasoning component was incorrect. Other times, it failed to provide accurate legal information in the specific context.” Additional flaws included superficial answers and outright fabrication, Liang adds. “ChatGPT seems very convincing, but it also has a habit of ‘hallucinating’ information that doesn't exist. It creates false citations, for instance. These are some of the problems we're trying to fix.”

These and other fixes that the CAL team are working on will address concerns raised by the recent U.S. case (*Mata v. Avianca, Inc.*), a cautionary tale Professor Amani references

in discussing risks of use and reliance on generative AI in the legal profession. In this well-publicized case, two now sanctioned lawyers relied on ChatGPT to prepare the plaintiff's court filing, only to discover the cases generated and included for citation were fabricated; the application had invented several “bogus” case law citations.

CAL's ingenious solution is to build OpenJustice as a hybrid system. “One of the main flaws of AI language models is their inability to output factual information,” says Bhambhoria. “Citations, facts, and reasoning are all problems noted by students testing ChatGPT that we're aiming to address. Hybrid systems combine the capacities of language models and information retrieval systems, like search engines, to overcome that limitation in providing factual information, such as citations.”

Improving transparency, verifiability, and accuracy are key elements in CAL's approach to overcoming the critical flaws and limitations of ChatGPT and other generative AI models. For example, OpenJustice will add citations to responses, enabling users to source supporting information in case law, legislation, and high-quality legal information sources in the public domain. “We want to provide users with the resources to verify everything themselves. That way they can make an informed decision about how to pursue their claim,” says Dahan, noting that over 50 per cent of Canadian court cases involve at least one self-represented litigant, who could potentially benefit from this cutting-edge, open access legal app.

Finally, multiplicity and diversity of outputs are other key components of OpenJustice. A main issue with AI is that it only provides one answer per question, often framing it as a universal truth. “This does not align well with the far more subtle way legal reasoning works,” explains Dahan. “In fact, a slightly complex legal question can call for several possible truths, depending on such unpredictable factors as timing, location, resources, and the adjudicator. Accordingly, our model is trained to provide a variety of possible answers or truths to the same legal question.”

Since its inception five years ago, CAL has also been working to improve AI's limited ability to do causal and counter-factual reasoning. “ChatGPT and other generative AI systems do a very poor job of applying law to facts,” Dahan says. “If we have enough legal data and computing power, we think OpenJustice can get close to good legal reasoning.”

CAL is now in the process of establishing collaborations with partners from across Canada, the U.S., and Europe to help train, improve, and strengthen the core OpenJustice technology. Among them are leading legal scholars and

academic institutions (including Harvard, Leiden, Singapore, and Paris Dauphine), top national law firms and other private sector organizations, and public interest institutions. On behalf of CAL, Dahan is applying for a Social Sciences and Humanities Research Council (SSHRC) partnership

grant of up to \$2.5 million to develop and strengthen the core technology to make it accessible to the public. “We want our consortium of partners to contribute to the public version, which we aim to release by early 2024,” he says. Then CAL will also be able to help partners like law firms create their own customized versions trained on their data.

To sum up, OpenJustice's primary goal is to become one of the main generative AI tools specializing in law, open to the public, including self-represented litigants and such public interest advocates as community legal clinics.

As Liang notes, “There is a massive access-to-justice crisis in Canada and worldwide. OpenJustice could be one potential solution, empowering self-represented litigants to pursue their legal claims without a lawyer's help.

This tool could also help public interest lawyers manage their massive caseloads and represent a larger number of clients effectively.”

As for aspiring legal professionals, new grad Solinne Jung says that working with CAL's multidisciplinary team has given her opportunities to think about and apply legal principles in different ways by designing and creating tools from the perspective of the end-user. She's confident that “OpenJustice will inspire a new generation of lawyers to not only rely on the research tools we're accustomed to, but to seek out or develop innovative ways of researching or providing legal information to clients.”

“At our Conflict Analytics Lab, we're training OpenJustice, a specialized generative AI system, to provide reliable, in-depth answers to legal questions and also address the shortcomings of generalized language models like ChatGPT.”

Professor Samuel Dahan

Partner for Innovation

Law practitioners, academics, and students can help fine-tune OpenJustice for its public release. Our Conflict Analytics Lab is looking for collaborators to train its generative AI bot that specializes in law.

To get involved, please contact Professor Samuel Dahan at samuel.dahan@queensu.ca.

Legal Profession Impacts

Legal and justice professionals must assess risks and opportunities: LCO

ChatGPT and generative AI technologies could have a potentially transformative impact on the legal profession and legal service delivery in terms of both opportunities and risks. Keeping a close eye on this situation is Nye Thomas, Law'89, Executive Director, Law Commission of Ontario (LCO).

"Generative AI technologies have extraordinary potential to ameliorate the access-to-justice crisis in Ontario and across Canada by making the provision of legal information and services more efficient, affordable, and accessible to the public," he says, "but that won't happen by itself.

"Regulators, the legal profession, judges, governments, and civil society organizations will have to think about how the technology can be used most effectively and appropriately. There are serious questions about the accuracy and reliability of generative AI, so verification and authentication processes are crucial to ensure that the answers users are getting reflect Ontario law."

More positively, Thomas sees opportunities for using generative AI in public legal education. "A lot of people are shut out of the justice system due to the costs," he explains.

"Community legal clinics dedicated to public legal education could help to ensure the information and advice provided to self-represented individuals through generative AI tools will be accurate in Ontario and accessible. Self-represented individuals and lawyers could use this technology to write pleadings for tribunals. It could also be used to assist judges in writing decisions."

Currently Thomas leads an LCO project on AI and Automated Decision-Making (ADM) in the justice system, addressing both AI's well-documented risks and harms and its potential to improve fairness. The results will inform the LCO's development of a framework for regulating AI, helping to make its use accountable in the justice system. A top priority will be to ensure that the use of AI respects

human rights law. "Studies have shown AI systems have the potential to perpetuate or worsen biased or discriminatory decision-making in the justice system," he says. "We're working with the Ontario Human Rights Commission and the Canadian Human Rights Commission to develop an AI Human Rights Assessment tool."

Other issues the LCO will address include government use of generative AI to make decisions and ensuring that AI-powered decisions can be appealed. There are due



Nye Thomas, Law'89, Executive Director, Law Commission of Ontario

process issues in decisions about people's entitlements to government services and benefits, the right to know who makes these decisions, and the right to challenge a decision. What is the liability, should the generative AI system make a mistake, and who is responsible? Does the person affected sue the owner of the system?

"To develop effective and appropriate AI regulations, we'll convene a multidisciplinary group that includes not just lawyers and judges, but also technology and privacy experts to identify potential risks in these systems and strategies to mitigate those risks," says Thomas.

For legal professionals in any area of law, he sees it will be important to learn how to use generative AI as a tool to improve efficiency and enhance the quality of work they do. "Generative AI technologies will change the practice of law over time," he says. In that future, he's certain of three things, just as the CAL's OpenJustice team at Queen's Law is.

"Lawyers must become more technologically competent to understand how the technology works,

both its benefits and limitations; generative AI will be used to draft or help draft documents such as contracts; and access to information for legal research will speed up."

Thomas emphasizes, though, that AI systems won't ever replace lawyers. "The real skill in using these systems is in the questions you ask through prompts, and lawyers are the best people to ask legal questions. Lawyers are also well equipped to evaluate and verify that the responses generated are accurate, reliable, and reflect the law in Ontario."

"Studies have shown AI systems have the potential to perpetuate or worsen biased or discriminatory decision-making in the justice system."

Nye Thomas, Law'89,
Law Commission of Ontario

Legal Education Impact

Exploiting potential and avoiding perils challenge both law faculty and students

ChatGPT is smart enough to pass law school exams. After completing 95 multiple choice and 12 essay questions, the AI chatbot achieved a C+ passing grade overall on exams in four courses graded blindly by University of Minnesota Law School professors. Imagine how well future iterations of generative AI are likely to do within the next year or two!

Mohamed Khimji, Associate Dean (Academic Policy) responsible for dealing with academic integrity issues, outlines three key principles that will guide Queen's Law's approach to using generative AI.

"First, Queen's will not ban or restrict the use of those technologies for learning purposes," he says. "We see generative AI as a potentially valuable learning tool that can be used as a support to primary sources."

Second, inappropriate use of AI would constitute a departure from academic integrity, since it involves a misrepresentation of the student's work and abilities. Among the core values of academic integrity are honesty in presenting one's own academic work and acknowledging dependence on the ideas or words of any other source, and fairness, which involves full acknowledgement of sources.

"We see inappropriate use of generative AI as no different than other forms of plagiarism, such as copying from a textbook without attribution and presenting it as your own work. Students should cite their sources clearly," says Khimji, noting that one big challenge will be to prove students' take-home assignments are the work of generative AI. "While tools have been developed to detect plagiarism using generative AI, these are not reliable, and we recommend instructors not use them yet."

Third, instructors should indicate whether this technology can be used in a course and, if so, what the parameters of its use will be. "We want to give instructors the freedom to restrict or limit the use of generative AI in their course if they choose to," explains Khimji. "We respect academic freedom, and they may have legitimate pedagogical reasons for restricting its use. For example, we want students to learn in first year how to extract legal principles from primary source materials, such as cases, and may want them to develop those skills on their own rather than by using generative AI."



Professor Mohamed Khimji, Associate Dean (Academic Policy)

Khimji sees ample opportunities for professors and students to use ChatGPT appropriately as a tool to improve critical thinking. He gives an example from his Mergers and

Acquisitions course: "Students could ask ChatGPT to produce an acquisition agreement and then analyze strengths and flaws in the document that's been generated. These technologies can be used as a learning tool in any area of law. We know generative AI isn't very good at performing a legal analysis in a hypothetical fact situation, so students could sharpen their analytical and legal reasoning skills by critiquing the responses generated to these types of legal questions," he says, noting that law students are very open to using new technologies and new sources of information. "Students are excited and

fascinated by ChatGPT. It's an interactive resource, which has enhanced their engagement."

To prepare for their legal careers, it will also be essential for students to know how to use the technology effectively and appropriately. "Law firms are thinking about how best to use AI and starting to do it," Khimji says. "Once these technologies become more reliable, they will enhance efficiency and make legal services cheaper. Lawyers who can use AI will be more in demand than lawyers who can't. But it's very important that our students learn how to evaluate the work of generative AI to ensure the quality and accuracy of the information isn't compromised."

"Students are excited and fascinated by ChatGPT. It's an interactive resource, which has enhanced their engagement."

Associate Dean Mohamed Khimji

IP Law Impact

Generative AI creations raise new questions and challenges in IP law

Should AI-generated creative works such as songs, paintings, and text (novels or lyrics) be protected by copyright? Or, when the voices of Drake and The Weeknd are featured on AI-generated songs that rack up millions of views and streams without the artists' participation or consent, does that constitute some form of intellectual property or personality rights infringement?

Right now, the answers to these new and tricky AI-triggered legal questions aren't easy or clear. While creative work that doesn't include an element of human authorship isn't protected, the U.S. Copyright Office has issued guidance that artistic works created with the help of AI are copyright eligible. But how little or how much human involvement is needed for a creative work to be protected? Major record labels have been using their influence to get AI-generated music pulled from streaming services, but it's not certain that an artist's style or voice that AI is copying is protected by copyright like an individual's existing work.

"As reflected in the scholarly literature, from an IP perspective, generative AI raises important ontological questions about who can be an author or inventor is," says Professor Bitá Amani, whose teaching and research focuses on issues including intellectual property law, information privacy, and data protection.

As generative AI systems disrupt creative industry models, she sees pressure building for copyright laws and government regulations to be adapted and updated. Amani recommends more clarity and appropriate legal and regulatory reforms on issues such as copyright protection and copyright liability in Canada.

"It's important to resist calls to extend copyright protection to AI-generated creative works, and to maintain and confirm the existing requirement of human authorship and original expression as preconditions of copyright protection," she believes. "We don't need to incentivize or reward AI as we do human authors, and works generated by AI should remain in the public domain." As for law reforms,

she recommends that they should also confirm that the use of copyright works for text and that data-mining does not infringe copyright and can be undertaken in Canada without the threat of potential copyright liability.

In April, the Office of the Privacy Commissioner of Canada launched an investigation into OpenAI, the operator of ChatGPT, in response to a complaint. By May 25, privacy authorities of three provinces – Quebec, B.C., and Alberta – had signed on to a joint investigation. "Widespread use of generative AI raises serious privacy concerns as people become more aware of what personal data is being collected, used, and disclosed," says Amani.



Professor Bitá Amani, researcher and teacher specializing in intellectual property law, information privacy, data protection, and feminist legal studies

"In Italy, for example, the government temporarily blocked ChatGPT over privacy concerns until the company satisfied data protection conditions." In mid-May, the U.S. Congress heard from Open AI's CEO that government intervention may be necessary to mitigate growing risks to privacy, technology, security, and the law.

Keith Spencer, Law'87, counsel and a leading information technology and IP lawyer at Fasken, is not surprised that generative AI is already a disruptor in the music and other creative industries. "Using AI to create original works with or without minimal human intervention raises many questions about who owns the copyright. Until some of the cases are resolved in the courts, it can be difficult for lawyers to properly advise clients," he says.

Spencer, who provides expert advice to startup and mature technology companies and serves on the boards of several early-stage private technology companies, is excited about AI's potential to democratize access to information and reduce the time and cost of providing legal services.

He also notes "a much higher demand and expectation that lawyers serving high-technology companies will adopt innovative and efficient practices, such as generative AI," he says. "In tech acquisitions, for example, I can envision this AI creating a work product that surveys the risks in a deal. Lawyers could use it as a tool to go through a data room full of contracts, identify the highest risk contracts, and summarize them in a memo at a fraction of the time and cost it might otherwise take with a conventional approach. Of course, human judgement will still be required for the

final assessment and recommendation stage of the memo, but most of the heavy lifting currently done by people today will be replaced."

Conclusion

There is a consensus among legal and technology experts that generative AI will have a significant impact on law, the legal profession, and legal education. "Generative AI will be transformative, but the nature of the transformation isn't yet clear," says the LCO's Nye Thomas. While leading Ontario's regulatory efforts to ensure the technology will enhance public legal education and expand citizens' access to justice, he also wants safeguards against AI's potential risks and harms.

Meanwhile, Professor Dahan and his Conflict Analytics Lab team are also helping to shape the direction of this transformation by building at Queens – with academic, public interest, and private sector collaborators – the generative AI system OpenJustice, which aims to become one of the main, large-core, legal language models open to the public.

"Generative AI technologies can empower individuals with the ability to pursue their own legal claims without the help of a lawyer and enable public interest lawyers to serve their clients more effectively," he says. "For the profession, I'd say if lawyers and law firms don't start using generative AI to perform legal tasks more efficiently and help make better decisions, they will be left behind."

QLR



Keith Spencer, Law'87, Counsel specializing in information technology and intellectual property law at Fasken, Vancouver

GRAD-INSPIRED INTERNSHIPS: Adding appeal to criminal law careers

New Criminal Appellate Internship for-credit program attracts students with its hands-on experience and mentorship in criminal law

BY PHIL GAUDREAU



ELIN SIGURDSON

Varda Anwar, Law'23 (second left), one of Queen's Law's first five Criminal Appellate Interns, at Daniel Brown Law LLP's Toronto office with the three people most responsible for "one of her most rewarding experiences": Colleen McKeown (left), a partner with the firm and internship mentor; Daniel Brown, Law'04, founder of both the firm and the internship program; and Professor Lisa Kerr, the program's academic supervisor.

While criminal law can be a deeply rewarding field, it can be difficult to break into, and its rewards may seem less obvious than some other areas of legal practice.

That's why Queen's Law launched a new program, the Criminal Appellate Internship, to help those who are passionate about criminal law access hands-on experience and an entry into the field. One of the first applicants was Varda Anwar, Law'23.

She says, "I particularly enjoy criminal defence and public interest work, stemming from my lifelong goal of pursuing

social justice. I've always wanted to assist in creating a more just and equitable society, so it made sense to pursue this as a career."

The Criminal Appellate Internship program was spearheaded by Professor Lisa Kerr, now its academic supervisor, after it was proposed by Queen's Law adjunct faculty member Daniel Brown, Law'04. During his time as a law student, Brown, a criminal defence lawyer and lead counsel at Daniel Brown Law LLP in Toronto and Vaughan, received hands-on experience through his work with Queen's Legal Aid and what is now the Prison Law Clinic.

This exposure ultimately changed the trajectory of his career.

"I loved interacting with people in the community, helping those who had a disadvantage and couldn't otherwise afford legal representation," he recalls. "While working alongside people charged with serious offenses sounds scary at first, you soon realize that they're just human beings like everyone else, and they need help."

After graduating, Brown began his career at Pinkofskys Criminal Trial and Appeal Lawyers, Canada's largest criminal defence firm, before branching out in 2008 to start his own firm. Last year, he returned to Queen's to teach Advanced Criminal Law.

That's when he reached out to Kerr, Director of the Criminal Law Group, with an idea: what if Queen's Law offered a for-credit internship where students were paired with a criminal law mentor? "My experiences helped guide me to the type of legal practice I have today and really humanized the process for me. I wanted others to have that opportunity," Brown says.

The Criminal Appellate Internship program accepted its inaugural cohort of five interns this past term. Each had the opportunity to work on public interest cases – either Legal Aid files or pro bono appeals – and some worked on cases at the Ontario Court of Appeal or the Supreme Court of Canada. In addition to Brown's firm, Savard Foy LLP, Abergel Goldstein & Partners LLP, Kapoor Barristers, and Henein Hutchison LLP each accepted one Queen's Law intern. The interns were tasked with such work as conducting reviews of trial transcripts, helping to articulate appealable issues, conducting legal research, drafting factums, attending hearings, and honing their written and oral advocacy skills.

"I had to smile when an intern said she was basically being treated like an articling student by her firm," says Professor Kerr. "They took the time to give her significant responsibilities, which she loved, though she was also still in law school and taking a full course load!"

The mentor feedback has been equally positive, noting that the interns were keen and dedicated and that one "operated at a level well beyond their years."

Kerr calls the internship program an essential addition to the experiential and substantive criminal law curriculum, because it adds the opportunity to work on a live appeal.

"Many of our students are passionate about criminal law. It's crucial to find them a path to meaningful employment, since that path is often far less obvious than some others," she says. "When the internships build the relationships between Queen's Law and leading criminal law firms, it gives students the practical perspective and real-world insight that can help them land jobs on a permanent basis."

Varda Anwar's internship at Brown's firm included shadowing both Brown and firm partner Colleen McKeown (also Anwar's mentor) during a sexual assault trial. She also conducted Hansard research on two potential amendments to government bills relating to criminal law. Reviewing

her four-month placement, Anwar appreciates the flexible deadlines and the openness of Brown's firm that allowed her to learn so many different skills. "After a lot of experiential learning at Queen's Law, this was one of the more rewarding experiences, both in what I learned and the relationship with my mentor," she says. "The internship gave me really interesting cases to work on and practical insight into what a criminal defence lawyer does during an appeal." She's already had several discussions with other students who want to participate in the internship's next offering (winter 2024). It's no surprise that Anwar intends to pursue a career in criminal law.

Brown and Kerr plan to expand the program, hoping it will particularly

benefit the careers of students heavily invested in criminal law.

"The school is so grateful that Dan had the vision for this program and was able to bring in such outstanding firms right out of the gate," Kerr adds. "We owe a lot to alumni like Dan. He has a thriving practice, and no one would blame him for just focusing on that. But he made time to consider how to give back and create opportunities for the next generation."

QLR

"When the internships build relationships between Queen's Law and leading criminal law firms, it gives students the practical perspective and real-world insight that can help them land jobs on a permanent basis."

Professor Lisa Kerr

YOU could be the mentor who changes lives

Prospective mentors for the second offering of the Criminal Appellate Internship program during the Winter 2024 term are encouraged to contact Professor Lisa Kerr at lisa.kerr@queensu.ca or Daniel Brown at brown@danielbrownlaw.ca.

Alumni interested in other opportunities to mentor Queen's Law students should contact Career Development Director Julie Banting at julie.banting@queensu.ca.

Planning your financial future and legacy



*Leanne Kaufman, Law'96, is the President and CEO of RBC Royal Trust, overseeing its overall management and strategies to provide wealth protection and transfer solutions across generations to high-net-worth Canadian families. A lawyer by profession, she is also a director of a number of RBC subsidiaries. She is the author of *The Executor's Handbook* (4th ed., CCH) and, as a recognized thought leader, has her contributions invited by many publications and media outlets. She also hosts the podcast *Matters Beyond Wealth*, offering insights on estate planning, healthy aging, and wealth, and is a member of the Society of Trust and Estate Practitioners Worldwide Council, the National Institute on Ageing's Advisory Board, and Queen's University's Gift Planning Advisory Committee.*

THE CANADIAN PRESS/CHRIS YOUNG

Leanne Kaufman, Law'96, RBC Royal Trust's President and CEO since 2015, has spent over two decades guiding clients through personalized wealth management and estate planning while rising through the company's leadership ranks. With legal professionals particularly in mind, she sat down with *Queen's Law Reports* Editor Lisa Graham to share insights and advice on the following topics.

Managing your wealth

QLR: What insights about wealth management would you like to share with legal professionals at all ages and stages to help them plan for today and their future?

Kaufman: Wealth management has become complicated in so far as the universe of investments available. It's not necessarily simple stocks and bonds anymore; there are also alternative investments like cryptocurrency. First, make yourself financially literate. Understand what financial planning means and, for the areas where you need to focus, get advice. Legal professionals are in the advice business; we should take advice as well, and this is an area where advice matters, because investments, tax, and estate planning can get complicated.

QLR: When should one start thinking about their personal finances and developing a plan to prepare for their future?

Kaufman: As soon as you start earning income, make yourself aware of the kinds of retirement savings plans available. It's not something that 20-somethings tend to think about, but if you put it off until you're in your 30s or 40s, you've lost the magic of compound interest and probably the opportunity to get contributions from employers or other sources, government plans, etc. The choices you make in your 20s and early 30s make a big difference in your 50s, 60s, and 70s.

The amount needn't be significant; just start getting in the habit of saving, opening registered accounts that have tax benefits, and doing the analysis. Even if you only have limited funds, determine if it would be better for you to invest them in a TFSA (Tax-Free Savings Account), an RRSP (Registered Retirement Savings Plan), or an FHSA (First Home Savings Account). Do the research, educate yourself, and get some advice.

QLR: What's your advice to law students and recent graduates with big debts?

Kaufman: Open those plans early and contribute to them with discipline. At RBC Royal Trust, we work with David Chilton, who wrote *The Wealthy Barber*, the 1989 book that made "pay yourself first" popular. Lots of people credit that kind of discipline, even if it was small amounts to begin with, for their financial security and freedom 30 years later.

I'm not a financial planner by profession, but I think that paying off debt typically trumps anything else because debt is so costly and accumulates through interest over time. Find a professional who can help you. Answering a few simple questions might open doors to options you didn't know were available.

QLR: What would you say specifically to young women?

Kaufman: We're starting to learn a lot more about gender and ageism and the pension gap between women and men. When you're making choices about stepping aside from your career for a time to have children, care for family members, or whatever your case may be, think about that from a financial planning perspective as well. Run the numbers with your financial professional. That may not change the choices you make, but it's good to be aware of options. Research is finding a substantial gap in women's pensions because being systemically underpaid, plus reducing your pensionable earnings by stepping out of the workforce, can together mean falling behind our male counterparts when it comes to our retirement income – and we're probably going to live longer and have longer expenses.

QLR: What would you tell young people who have a company pension plan available to them but decide not to contribute to it until they're older?

Kaufman: I think that's a mistake. You'll thank yourself later for making the small sacrifices early to put aside just enough money to maximize the contribution or the matching that might be available to you. Otherwise, you're giving up free money. ▶

PLEASE NOTE: RBC Royal Trust President and CEO Leanne Kaufman's helpful guidance in this feature is not meant to replace a professional financial advisor's personalized counselling. You are strongly encouraged to consult a qualified, independent expert before implementing any of the strategies she describes.

QLR: What should young lawyers starting out as associates in law firms be thinking about?

Kaufman: Avoid splashing out too much. This may be the first time you're earning real income, and, while it's fun to have a bit of freedom and luxury, it's easy to get highly leveraged – maybe buying more car or more house than you need. If you are not disciplined in spending less than you earn, you may regret some of those choices 20 or 30 years down the road.

QLR: What did RBC Royal Trust's Ipsos survey results show about people in the 34 to 55 age group?

Kaufman: This gets into estate planning. Many people don't get serious about making a will or assigning powers of attorney until there's a life event like getting married, buying a home, or having a child. Even when they probably were past one or all those milestones, two-thirds of those surveyed in this age group didn't have a will. You're never too young to have a will and powers of attorney. You're not doing it for yourself; it's for the people you're leaving behind. Hopefully, those documents won't be needed in your younger years, but the mess left behind in not having them is fairly substantial to your loved ones.

As part of your estate planning, at all ages, think about who you want to name as your executor and your power(s) of attorney. These are not ceremonial, honorary positions; they are real jobs with real work and real liability that not everyone would thank you for.

QLR: When deciding who to name as their executor, many people may think the family member or friend who is a legal professional would be the best. But what should those who are asked think about?

Kaufman: First, research enough to figure out whether executing a will is something you even want to do. I think people say "yes" because it feels like an honour or an obligation. It may be a difficult conversation, but it's better to say "no" now than to quit the situation in the future or do it begrudgingly and then feel a bit resentful. You make a good point that any lawyers in the family might be the ones people naturally turn to. It doesn't mean they're all experts in the estate area, and frankly they're probably busier than others and don't have the time because, depending on the estate's complexity, settling it can be

very, very time-consuming. Just because an estate has a low-asset value doesn't mean it's not complicated. Bankrupt estates, for instance, are very complicated and very time-consuming, and all estates that have any sort of tricky family dynamic require a lot of communication – also very time-consuming. This is another area where professionals can help.

QLR: What should people who are becoming their firm's partners or senior partners in their 40s and 50s focus on?

Kaufman: There's probably some nuanced estate planning involved in being business owners or a partner, so, depending on the structure of their business, they should make sure their executor understands what will happen to their ownership and how that flows to their beneficiaries.

Because people are living quite long, this 40s and 50s group (and some in their 60s and 70s too) may still have aging parents alive, so they might start thinking on their behalf about ways of supporting their late life, such as caregiving, home care, or life in a retirement home.

This age group is more likely to also be named as their parents' executors, so now they're at this super busy time in their lives, the peak of their career, and finding themselves in this role. There are resources and support for you out there. Having a parent's or other family member's power(s) of attorney is another role they might find themselves in when that person loses the capacity to manage their own financial, property, or medical matters. Some lawyers get named to fill this role for clients, stepping into someone's shoes to manage their affairs while they're still alive but unable to manage things themselves. That's another full-time job. Do you have the time and the capacity to do that when, as a lawyer, you know about the liability associated with it?

QLR: What should concern sole practitioners and other business owners?

Kaufman: They need to have a conversation about a succession plan with their accountants, lawyers, and financial professionals. There are several questions to consider. Do they have a successor who intends to take over their practice? How do they want to transition out of their business? What if something unexpected were to happen

tomorrow versus a planned succession? Those are business risks and realities, and people who get caught up in the day-to-day practice of law may not really be thinking bigger picture from a business perspective. They should be.

QLR: Is there a certain age or stage to start thinking about a business succession plan?

Kaufman: You always want to think about the what-ifs, so if you've started a business (including a law practice), then ideally you have some sense of what would happen if you were suddenly unable to run it temporarily or permanently. As soon as you become a business owner, you need to have a plan in place for the unlikely event that something happens to it or to you unexpectedly. It becomes more of a pressing reality when you're thinking about an orderly transition of succession for this business, whether it's because you're ready to retire or because you'd like to work until the day you die. Either way, remember that the older you get, the more you have to plan for that.

Planning your estate

QLR: Is it a good idea to combine wealth management with estate planning?

Kaufman: Yes, they are part of one big holistic plan, interplaying with one another. Estate planning is more than just having a will and power of attorney documents; it takes into account your wealth and your wealth accounts. If you have registered plans in your investment portfolio or on your insurance policies, do you have designated beneficiaries on them? Those designations happen outside of the will but have an impact on your estate. It's all interconnected; you can't really have good planning conversations in isolation, so good wealth managers will also make sure their clients are receiving good estate planning.

QLR: How does a person go about this? Where's the place to start?

Kaufman: Find a financial planner you would like to speak with about your options. You don't have to have a great deal of wealth to have a good planner at your disposal – someone at your bank or a trusted advisor of a friend, parent, or colleague. Also, start educating yourself by reading or watching videos about financial literacy in Canada. There are services available for people at all asset levels. There are even do-it-yourself levels of planning, online training accounts, and programs to help educate you and build a plan that replicates on a lighter level what a fully accredited financial professional would do with you.

QLR: What do you hope legal professionals will do, now that they have your advice?

Kaufman: Make a will and name a power of attorney for property and for personal care. Get some basic financial advice. Understand the difference between the pension that may be available to use through work versus registered plans. Take full advantage of any plans that are made available; you may miss out on contributions or tax deductions by simply not participating.

QLR: Anything else from your personal observations in these areas that you think is important to share with legal professionals?

Kaufman: We're in a super-aging society. Have you financially planned to live to 100? You don't want to plan for just the first five or 10 years after you stop working, when you expect to take five or six trips every year or go south for months. Given how much longer people are living, you must think about retirement as a whole other adult life potentially. What does the end of that look like and what do you want your family to know about the way you want to live in those later and end-of-life years? Talk to them about it. And if we still have our parents, we all need to be thinking about and talking to them about that.

Then there's this massive intergenerational transfer of wealth coming. As the baby boomers pass on, I don't think we can anticipate what that transition of wealth is going to look like and what the impact will be. For example, we don't know whether there will be a housing surplus then. So watch demographics, pay attention to what's being said, and just be curious in your reading. There's a lot tied to this super-aging society and longevity.

Finally, I encourage lawyers to go into this area of practice because it's just going to keep growing.

Planning for your digital assets

QLR: What are digital assets and why is it important for people to account for them when planning their estate?

Kaufman: Digital assets are anything for which you've created an online account and which you access by entering a username and a password. Some may have monetary value, including everything from an online bank account and loyalty/rewards points to cryptocurrency or NFTs (non-fungible tokens). Some may have sentimental value, like photos that are only available in a cloud or on a drive of some kind. There is also your social media presence on the platforms you use.

Digital assets are so amorphous and difficult to give advice on because there is no set of rules globally or even nationally for example, on what happens to your account if you die or become incapacitated and on how you can give someone else access to that account. Every account or social





JANE BLACK

An executor has to find all the assets and liabilities of a deceased person. Many of these only live in an email account or on a computer now. How many of us print and store these documents in a filing cabinet or an accordion file anymore? Even to have access to your phone, computer hard drive, or email account is both critical and often challenging for the executor to start this digital scavenger hunt.

QLR: What must people do to ensure someone else has access to their digital assets?

Kaufman: First, for each asset you’ve created that has monetary or sentimental value, educate yourself on the rules to grant someone else access to it. Next, follow those rules. Then, make sure your executor knows that each asset exists and how to access it so that the assets can be distributed to beneficiaries. It is a huge and daunting task for an executor because the rules keep changing for platforms.

QLR: Should your executor of digital assets be the executor for your entire estate, or should this be someone different, who’s maybe tech savvy?

Kaufman: That’s a great question, because the platforms don’t require it to be the executor of your general estate. We haven’t seen enough examples of this yet in real life, but I can see complications with that because the executor of your will has the overall accountability and responsibility to step into your shoes, gather all your assets, pay off your debts, and then distribute the remaining assets to your beneficiaries. If you’ve named someone else to have authority over any digital account, and they don’t communicate with the executor, how is your executor really supposed to do their job under the will?

QLR: Anything else we should know about estate planning for digital assets?

Kaufman: Just that it keeps changing and increasingly more of our assets are becoming digital. We have to pay as much attention to these assets as we do to bank accounts, real estate, and all the other assets we own.

Planning a gift to charity

QLR: What are the options for making charitable gifts in one’s will, and what are the benefits?

Kaufman: Some people don’t even consider charitable giving as part of their estate planning, though they really should if they have philanthropic intent. Death can be a big taxable event for many, and charitable giving is a great way to both give back and lessen the tax burden, as well as leave a legacy. There are lots of different ways to plan a charitable

gift, so it’s a matter of personal choice once you have enough advice to understand which one is best for you. I am not a financial planner, so I will discuss the options in generic terms.

A **bequest** is a one-time gift upon death, paid from after-tax estate funds. It’s relatively simple, like cutting a cheque during your lifetime. It could be a fixed dollar amount, a fixed set of securities (e.g., Royal Bank shares), or a percentage or share of the estate’s residue (the amount remaining after all assets are gathered and all liabilities and other specific gifts are paid). It’s not uncommon for a percentage or a share to go to charity, even when children, grandchildren, or others are also intended to have a gift.

Considering that a deceased person is taxed as if they sold everything they owned on the day they died, the next options can be attractive during one’s lifetime, too.

With a gift of **securities**, the donor can avoid having to pay the capital gains tax that would be applicable if they instead sold those securities.

Naming a charity as the beneficiary of a **life insurance policy** creates a larger gift at a smaller cost. You don’t feel like you’re taking away estate assets from your children, grandchildren, or other beneficiaries because this policy exists outside of the will. Also, the way premiums are paid out could also be attractive.

Another option is setting up a **private foundation** or contributing to a **public foundation** (donor-advised fund). A foundation allows the funds to be distributed to one or more charities during your lifetime and then as a legacy. Depending on its set-up, the people who control the foundation may have the authority to decide which charities get gifts in any particular year or every year, and in what proportion.

When an owner sells their business and has a big capital gain on that sale, we often see them opening or contributing to a foundation that year because they can realize very significant tax savings and make a significant gift. An option is to put funds aside to enable gifting over many years through that foundation structure.

QLR: Returning to the results of RBC’s Ipsos poll on estate planning, what did you find most interesting about charitable giving?

Kaufman: The highest percentage of people who responded that they intended to make charitable giving a part of their estate planning were those aged 18-34. Maybe they don’t have children yet or maybe they’re just a more socially conscious generation that will retain that kind of charitable intent even after they’re over 50. Ironically, 70 per cent of that age group didn’t have a will, so they’re not able to implement that philanthropic intent. QLR

Discover ‘Estate Planning as an Act of Love’

Leanne Kaufman, Law’96, business journalist Bruce Sellery, Com’93, and David Chilton, best-selling author of *The Wealthy Barber*, last February delivered “Estate Planning as an Act of Love,” an online fireside chat hosted by Queen’s University Gift Planning. In this discussion – which received the Canadian Council for Advancement of Education’s 2023 Gold Prix d’Excellence award for Best Development Event – they explored what an estate plan looks like, discussed common misconceptions, and revealed potential pitfalls to watch out for. Watch the video:



Interested in creating a legacy at Queen’s Law?

As you reflect upon your own legacy, consider an extraordinary act of generosity – leaving an estate gift to Queen’s Law – to empower future generations of legal professionals. You can help shape the future of legal education by directing your gift to:

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Your contributions weave into Queen’s Law’s evolving tapestry, building bridges from the past to the present and future, strengthening our academic tradition. This act of forward-thinking generosity illuminates the path for tomorrow’s legal professionals, ensuring your legacy thrives within our Queen’s Law community.

Planned giving options include a bequest of monetary contributions, securities, or other property, a life insurance policy, and registered retirement funds.

Explore planned giving options at www.queensu.ca/alumni/supporting-queens/gift-planning or connect with our Gift Planning Team at 1-800-267-7837 or gift.planning@queensu.ca.

Navigating the trials of Canada's embattled military justice system

Rising through the ranks since 1995, with a 2006 about-turn into military law, Colonel Dylan Kerr, CD, Law'09, became the CAF's Director of Military Prosecutions just as MPs received the critical Fish and Arbour reports. His battle to preserve the military justice system continues.

BY KEN CUTHBERTSON, LAW '83

He didn't experience a "eureka moment," but Dylan Kerr has a vivid memory of how and why he decided to become a lawyer 18 years ago. The reason it's so vivid is understandable; after having already served for 11 years in the Canadian Armed Forces (CAF), the career change he experienced was as profound as it has been successful for the Hamilton, Ont., native. Now risen to the rank of Colonel, he is two years into a four-year appointment as the service's Director of Military Prosecutions.

Kerr was just 19 when he joined the CAF in 1995. Nine years later, during his deployment to Afghanistan as Senior Duty Officer at the Canadian Tactical Operations Centre in Kabul, he first began working alongside military lawyers. "I saw how involved they were in almost every aspect of military operations and how trusted they were as advisors to the commander, and I fell in love with the idea of becoming a military lawyer," he recalls.

"I called home and asked my wife, 'What would you think if I signed up for another term and went into the military law program?'" She laughed and asked me, 'What are they doing to you over there?!'"

Going forward, Kerr's plans for a career change snowballed. And so, within a year of his February 2005 homecoming, he'd written the LSAT and been accepted into both the CAF's military law program and first-year law at Queen's. "Every aspect of law school was fascinating; it was an amazing opportunity," he says.

Being drawn to criminal law, he understandably was delighted to develop expertise in that area while articling in the Office of the Judge Advocate General (JAG), the CAF's legal branch. Kerr put that new-found knowledge to use,

spending the next 11 years as a military prosecutor. It was work he relished and excelled at, arguing cases before courts martial, the Court Martial Appeal Court, and the Supreme Court of Canada.

Kerr's performance earned him appointment as a Deputy Director of Military Prosecutions, and, in June 2021, then-Minister of National Defence Harjit Sajjan named him to a four-year term as the Director. It's in that capacity

that Kerr now oversees all military prosecutions in the CAF. The Ottawa-based agency he now heads includes five regional offices, 23 full- and part-time prosecutors, and another seven support staff. The military prosecution service is busy, handling as many as 80 cases each year and providing legal advice to military police investigators across this country and abroad. However, that's not the only challenge Kerr faces.

He's leading the CAF's prosecution service at a time when the need for its very existence is being questioned.

Civilian critics have queried the legitimacy of the CAF military justice system, particularly how it deals with sexual assault cases. This has prompted Kerr to work hard to overcome what he feels are "misconceptions about how the system works." He also points out, "We've had several SCC decisions about its

constitutionality and the independence of the various actors, and these decisions have strongly and consistently reinforced the notion that Canada needs a military justice system, that the system is legitimate and constitutional, and that it continues to evolve in accordance with the principles of constitutional law and the *Charter*."

Despite that, a debate continues to simmer. It has been fueled recently by a couple of high-profile reviews

"Supreme Court of Canada decisions have strongly and consistently reinforced the notion that we need a military justice system, that the system is legitimate and constitutional, and that it continues to evolve in accordance with the principles of constitutional law and the *Charter*."



Colonel Dylan Kerr, appointed Deputy Director of Military Prosecutions in June 2021, oversees all military prosecutions in the Canadian Armed Forces and represents the Minister of National Defence in respect of appeals.

CORPORAL JEFF SMITH



2004: Then-Captain Dylan Kerr at the Canadian-run Camp Julien in Kabul, Afghanistan. It was while working as the G3 Operations of the National Command Element there that he began considering a switch to military law.

of the *National Defence Act*, which sets out the legislative framework for Canada's military justice system. One of the reviews at issue, a wide-ranging report that included 107 recommendations, was written in 2021 by former SCC Justice Morris Fish. The other, authored by the Hon. Louise Arbour, another former SCC justice, looked at how to deal with the "endemic" issues of misconduct in the military.

Kerr notes that while Arbour's interim recommendation was that the military cease to exercise its jurisdiction over sexual assault cases, her final recommendation was for Parliament to consider entirely removing jurisdiction for these cases from the military. While that latter prescription was accepted by then-Minister of National Defence Anita Anand (who, coincidentally, taught at Queen's Law 1999-2005), the details of how to make the necessary procedural and cultural changes remains the subject of discussion and consultation among federal and provincial partners, including the new Minister of Defence, Bill Blair.

"There's a lot of work being done in the background in terms of if and how DND/CAF might implement the final Arbour recommendation," says Kerr. "In November 2021, the Provost Marshal (who heads the military police) and I both accepted Justice Arbour's interim recommendation, and since then I haven't approved any new charges of sexual assault. (They have gone to civilian courts.) We still have some ongoing cases in the system. We have work to do before all those files are closed, and we'll see what Parliament decides about whether or not to permanently remove the military's jurisdiction over cases of sexual assault."

As for the Fish Report, one of the key recommendations calls for the creation of a set of principles and presumptions that relate to the exercise of concurrent jurisdiction between the Canadian criminal justice system and the military justice system. That's something that Kerr says he has been working on closely with the heads of the various prosecution services across the country, and he feels that agreement on a set of principles and presumptions is near.

Displaying the same "can-do" optimism and adaptability that drove his 2006 decision to pursue a legal career, Kerr says, "I'm more optimistic than Mme. Arbour on the CAF's desire to get this right, to address sexual misconduct within the CAF, and continue to improve the military justice system. There's been considerable and meaningful change, and there continues to be a great deal of effort to improve in all aspects."

QLR

Calling all recent and new Queen's Law grads

Canada's Director of Military Prosecutions has a career option for you to consider. Col. Dylan Kerr, Law'09, says, "If you don't have a career path in mind, I suggest that you think about joining the Canadian Armed Forces and becoming a military legal officer."

Why not? There are some compelling reasons to do so. "Military legal officers enjoy mobility to move between and work in an incredible range of areas of the law," Kerr says. "They gain great work experience and broaden their view of the world."

Any recent law grad who has been called to the bar and enlists will enter the military with a Captain's rank, which carries an attractive starting salary of approximately \$88,000 (rising within three years of service to \$126,000). After going through the enlistment process and receiving basic officer training, a new military legal officer recruit gets down to work quickly.

"There's no end of opportunities for rewarding, flexible legal careers in the Office of the JAG," says Kerr. "Becoming a military legal officer is certainly an attractive option, one that's well worth considering."

For a legal pioneer who banked on a career in sustainability, her true passion paid off



Bindu Dhaliwal, Law'02, Senior Vice-President, ESG & Corporate Governance with CIBC in Toronto, is responsible for the bank's ESG strategy, disclosure, governance, and stakeholder engagement activities, along with overseeing its Corporate Secretary function, Whistleblower Program, and Client Complaints Appeals Office.

CARY PENNY

Continued from page 33

Bindu Dhaliwal, Law'02, the first ESG legal counsel at a Canadian bank, helped create a job based on her passion for emerging social and environmental issues

BY NANCY DORRANCE

Throughout law school, Bindu Dhaliwal, Law'02, always envisioned herself becoming a litigator. Volunteering at Queen's Law Clinics, mooting, "and lots of litigation-based activities" helped prepare her for her first job with a national firm, followed by clerking at the Ontario Court of Appeal. Dhaliwal then transitioned to a different area of law, working as an in-house lawyer for BMO.

But all the while, an inner voice kept prodding her.

"Rather than the traditional legal matters I was handling in my day job," she recalls, "I came to realize that my true passion lay with equity and sustainability issues." Inspired by a U of T graduate course in sustainability, completed while she was on maternity leave, Dhaliwal gave notice at the bank, citing her plans to look for policy work in the non-profit sector. Serendipity stepped in when her bosses asked if she would consider a different option.

"It turned out they had been contemplating a new legal role in sustainability, but hadn't fleshed it out yet," she says. "Since there was no comparable position at a bank in Canada then, I ended up writing my own job description."

So it was that in 2012 she became the first person to take on an ESG/legal counsel role in a Canadian bank, dealing with reputational risk, disclosure, and related issues.

"I knew I wanted to do something different but was really glad to be able to keep a legal component in my job," Dhaliwal continues. "Had I not told them of my plans to shift focus, I wouldn't have known the bank wanted to go that direction, too."

At the time, ESG (environmental, social, and governance) was a new framework being embraced by a handful of forward-looking corporations and institutions to assess sustainability-related risks and opportunities in their operations. In the decade since, it has evolved from a voluntary set of criteria to a framework that is increasingly becoming more formalized to allow stakeholders, like investors and regulators, to evaluate a company's activities – and Dhaliwal's career has followed a parallel path.

After leading BMO's ESG team for a number of years, Dhaliwal became the Ombudsperson (Client Complaints and Whistleblower). In April 2020, she joined CIBC

as Vice-President, ESG, responsible for ESG strategy, disclosure, governance, and stakeholder engagement activities. Two years later, a promotion to Senior Vice-President, ESG & Corporate Governance, expanded her responsibilities to include CIBC's Corporate Secretary function, Whistleblower Program, and Client Complaints Appeals Office. "I think my prior experience in various components of the new role came together to bring me this

leadership opportunity," says Dhaliwal.

The CIBC team has developed medium- and long-term strategic goals with associated performance indicators to measure their progress in each ESG focus area – for example, the bank's \$300-billion sustainable finance mobilization goal and net-zero interim targets announced in 2021. They have also enhanced CIBC's ESG governance framework to drive accountability at the board, senior management, and day-to-day execution support levels. Noting that ESG is a top priority for CIBC's stakeholders, she adds: "People are looking to us and

challenging us as an institution to play a role in addressing these evolving issues."

In April, the Queen's Law alumna was appointed to the new Canadian Sustainability Standards Board (CSSB), formed to support the uptake of International Sustainability Standards Board (ISSB) standards in Canada and ensure Canadian sustainability reporting needs are heard on the international stage. Unveiled at the 2021 COP26 summit in Glasgow, the ISSB was created to develop a global baseline of sustainability disclosures to meet the needs of investors and financial markets overall. The first of such standards, published in June 2023, focused on both climate-related and general sustainability-related disclosures.

Chaired by Charles-Antoine St-Jean, former president of the Chartered Professional Accountants of Canada, the CSSB will work in lockstep with its international counterpart – highlighting key issues for the Canadian context and facilitating interoperability between ISSB standards and any forthcoming CSSB standards. Dhaliwal welcomes this move toward formalizing the disclosure of ESG metrics and sees it as an important step in ensuring stakeholders are properly able to assess a company's ESG risks and opportunities.

A second emerging ESG issue is the urgency of climate action and getting related goals set. "It's about having specific goals that can be measured and disclosed," Dhaliwal explains. "At CIBC, our net-zero target-setting framework is guided by four principles: science-aligned, comprehensive, transparent, and iterative. Our sector-specific 2030 interim financed emissions-reduction targets are informed by climate science and aligned with widely accepted decarbonization pathways."

The third important trend is what she calls "the rise of the 'S'" (social impact) in ESG. "Issues like affordable housing and Indigenous rights, as well as diversity, inclusion, and equity – especially as they intersect with climate – are coming to the fore now," she says. "We're recognizing that non-action on climate can have an effect on social issues as well. At CIBC one of our key 'S' focuses is to embed inclusion into the way we do business – tailoring our products and services to clients' unique needs and investing in strengthening the communities we serve."

Looking back now on a career that has brought her national credibility, Dhaliwal can see how her earlier involvement in social issues, ranging from board memberships and work with non-profit organizations to developing educational tools for teaching about equity, and receiving the 2000 Governor General's Award in Commemoration of the Persons Case, had a major impact on her ultimate career path.

Even in her Queen's Law years, she served as Equity Commissioner and President of the Law Students' Society, was a delegate at the 2001 UN World Conference Against Racism, and worked for a non-profit called The Students' Commission. "I think I was always interested and engaged in issues of equity and inclusion, anti-racism, and gender equity," she says. "The Queen's Law community provided a forum for me to expand my participation and meet other like-minded people." She counts Law professors Sharry Aiken and Beverley Baines, Law'73, as mentors who had a significant impact on her life.

While in second year, Dhaliwal remembers organizing an "Alternative Careers Fair" with fellow student Paola Konge, Law'02. Reflecting on that now, she believes it was a harbinger of things to come.

"My advice to current law students is to not limit yourself when planning a career path," she states. "Find your true passion and look for ways to incorporate that into your work. If you don't speak up for what you want, it will never happen!"

QLR



CARY PENNY

What's trending in ESG?

Bindu Dhaliwal, Law'02, presents her top 3 list:

- The need to standardize ESG disclosure
- Urgency of climate action
- The rise of the "S" – social issues



Retired general still a war law guru

Ken Watkin, KC, Law'80, LLM'90 – retired Brigadier-General, former JAG, and award-winning author – shares his insights on the war in Ukraine, attacks on civilians, cyber warfare, and more.

BY KEN CUTHBERTSON, LAW'83



PEYTON SIMS

Though retired, Brig.-Gen. Ken Watkin, Law'80, LLM'90 (left), remains active as a military analyst. On March 4 he participated with Professor Ardi Imseis on a panel for "The Law of Occupation: A Modern & Historic Overview" conference at the University of Texas (Austin).

Few people have been following news about the war raging in Ukraine more keenly than Ken Watkin. Russia's invasion of its western neighbour in February 2022 has sparked one of the most costly and unsettling military conflicts since the end of WWII. What's more, it has opened a Pandora's box of legal problems that threaten to upend international order. It's those legal concerns that have grabbed Watkin's attention.

Watkin, a retired Brigadier-General in the Canadian Armed Forces (CAF) who served four years as Judge Advocate General (2006-2010), has earned a well-deserved reputation as an authority on the application of international and humanitarian laws in armed conflicts. He's also author of the award-winning book *Fighting at the Legal Boundaries: Controlling the Use of Force in Contemporary Conflict* (Oxford, 2016), co-author of a second book titled *The Law in War: A Concise Overview* (Routledge, 2nd ed., 2023), and writer of numerous articles in the *American Journal of International Law*, the *Global Justice Journal*, and other scholarly legal publications.

"These days, what I'm particularly interested in and writing about is treachery," he says. "There can be two separate issues involved: one is what happens when the

warring forces outfit themselves in civilian clothes; the other is what happens when these forces operate while wearing uniforms of the other side."

Worryingly, on battlefields nowadays, civilians increasingly find themselves coming under attack. Apart from Russia's tactics in the Ukrainian conflict, conducting military attacks on civilians is meant to be the exception rather than the rule, being limited to those who take a direct part in hostilities. This is due to what Watkin in his writings has termed "bifurcation" – that is, military planners maintaining a distinction between uninvolved civilians and military targets. However, belligerents wearing civilian clothes on the 21st-century battlefield puts civilians at increased risk, he points out.

"One of the challenges these days is that some civilians also are engaged in hostilities. This has become a big issue, particularly where targeting is concerned. In the last 30 or so years, terrorist groups and other non-state actors who don't wear uniforms have become significant players in some of the conflicts we're now seeing," says Watkin.

Modern conflict can also involve civilians using digital technologies to wage cyber warfare. Watkin hastens to point out that even when civilians engage in conflict, it doesn't

negate the military's obligations to observe the tenets of international law. "All the nations in the world have signed on to the Geneva Conventions of 1949, and 90 per cent of them are signatories of Additional Protocol I (API)," he notes.

That latter agreement, a 1977 amendment that updated the Geneva Conventions, deals with targeting and the protection of civilians in international conflicts. Interestingly, while Canada has ratified API, allies such as the United States and Israel have not. Watkin is certainly aware of this, but he doesn't find it concerning. "Since the end of the Cold War in 1991, there have been some significant advances in the enforcement of international and humanitarian law that have focused most states' attention on compliance with their legal obligations," he says.

"The International Criminal Court is part of the legal framework. The system is far from perfect, but there we have it. When I'm asked what we can do about this, I respond that in the domestic realm, people break the law all the time; however, that doesn't mean we give offenders a pass. That's one thing. Secondly, whenever I'm asked by military personnel why we should bother with international law and API if our enemy doesn't, I answer that we do so because our country tells us to. We're not engaged in a personal battle; we're acting on behalf of our country. Finally, that is not who we are."

Watkin has seen what can happen when soldiers forget that fact.

"In terms of the sort of legal issues that can arise, the most significant event that illustrates the importance of ensuring that Canada's international legal obligations are integrated into military operations was what happened in Somalia in 1993. I was deeply involved in the legal fallout from what occurred there," he says.

In what became known as "the Somalia affair," soldiers in the Canadian Airborne Regiment Battle Group beat to death a teenaged Somali prisoner. In its aftermath, the military launched a joint civilian/military Board of Inquiry to investigate, and the government of Liberal PM Jean Chrétien directed a Public Inquiry. Watkin served as a legal advisor to that Board of Inquiry, and then, among the many other assignments he took on in the years from 1995 to 2005, he acted as Government counsel regarding various international investigations and inquiries arising from the 1994 genocide in Rwanda. After retiring in 2010, Watkin also served as a Foreign Observer to the Israeli Independent Commission that delved into a controversial incident that occurred during the 2010 blockade of Gaza by Israeli forces, and he worked as a counterterrorism-national security consultant for the Canadian government and with the United Nations in Nigeria.

During his military career, Watkin honed his reputation as one of the CAF's leading authorities on issues of military, humanitarian, and international law. Ironically, this wasn't a distinction he ever dreamed of earning when he originally enlisted.

In 1976, when Watkin graduated from Royal Military College, he was intent on pursuing a career as an infantry officer. However, to his dismay, he had to leave the military for medical reasons. It was then that Watkin decided to follow in the footsteps of his brother Bob Watkin, Law'76, and become a lawyer. After earning his LLB at Queen's in 1980, he spent a summer working for the RCMP in Gander, N.L., and subsequently articulated in the St. John's law office of later-to-be premier Danny Williams. In 1982, with his

medical condition resolved, he re-enlisted – now as a military legal officer. This was the start of a distinguished and highly successful 28-year career as a military lawyer. "It wasn't what you could call a traditional legal career, that's for sure," Watkin muses.

He continued his legal education, earning his LLM from Queen's in 1990. In 2002, the same year that he began a one-year term as a Visiting Fellow in the Human Rights Program of the Harvard Law School, Canada's Governor General appointed him to the Order of Military Merit. In 2006, Watkin became a QC, and in 2010 he received the Canadian Bar Association President's Award, recognizing "the significant contribution of a Canadian jurist to the legal profession, to the Canadian Bar Association or to the public life of Canada."

In 2012, he and his wife Maureen (Arts/Ed'80) settled in Kingston, which is Ken's hometown. They have three grown daughters, and they delight in spending time with their grandchildren. Otherwise, Watkin can be found in his woodworking shop or in his study writing articles for various legal publications. The latter is something he continues to do since he finds no shortage of interesting and timely topics.

"I used to say as a lawyer that human nature would always keep me employed," says Watkin. Then he adds with a laugh, "That works on the international law front as well."

Second Edition

ROUTLEDGE

The Law in War

A Concise Overview

Geoffrey S. Corn
Ken Watkin
Jamie Williamson



Ken Watkin's new co-authored edition of *The Law in War: A Concise Overview*, published by Routledge, offers an insightful roadmap to understanding a broad range of operational, humanitarian, and accountability issues that arise during armed conflict.

QLR

Professional and personal news of Queen's Law graduates



Alumni celebration returns to Toronto

At the first in-person Dean's reception in T.O. in four years, alumni from all years – including Mary Thomson, Law'81, Justice Kenneth Hood and his wife Janet Sim, both Law'80, and Professor Debra Haak, PhD'19 – reconnected and networked on CI Financial's rooftop patio in Maple Leaf Square on June 1.

GREGBLACKPHOTOGRAPHY

1961



Robert (Bob) Little, KC, Law'61 (Arts'58), Senior Partner with Cunningham Swan Carty Little & Bonham LLP, retired on Dec. 31, 2022, 60 years after co-founding the Kingston-based firm that is one of the largest in southeastern Ontario. He practised real estate, wills, and corporate law. The former Queen's AMS President received two major local awards over the years: the Padre Laverty Award for his contributions to Queen's University (2005) and the Kingston Rotary Club's Paul Harris Award for his outstanding service to the community (2011). Bob

continues his volunteer work for the Class of 1961 and is also organizing the 65th anniversary reunion of Arts, PHE, and Com'58 in October.

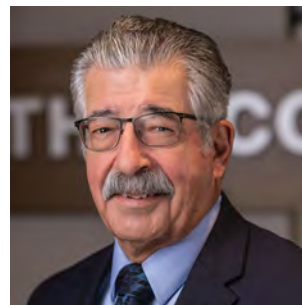
1973



John L. Hill, Law'73 (LLM Osgoode), has contributed a chapter to a new book, *Indigenous Justice* (Durville Publishing, Calgary, https://durville.com/books/Indigenous_Justice.html). The chapter deals with exploitation of Inuit inmates in a southern Ontario penitentiary. John also writes columns on criminal and prison law topics for *Law 360*

Canada (formerly *The Lawyer's Daily*).

1975



Wayne C. Petersen, Law'75, was appointed King's Counsel (KC) by the Hon. Tyler Shandro, Alberta Justice Minister, on July 1, 2022, in recognition of his service to the legal profession and his community. As Counsel to North & Company LLP in Lethbridge, Alta., Wayne remains in general practice with emphases on employment, real estate, estate planning and administration law. Wayne also continues to focus on the development of the firm's network of branch offices

serving rural communities and enjoys volunteering his time to community organizations.

Harvey Rosen, Law'75, Kingston's 94th mayor, died on Sept. 8, 2022, after battling cancer. He was 73. Starting his career in private practice, he joined the family-owned Rosen Corp. Ltd. as in-house counsel and President in 2000. Long drawn to public service, Harvey was elected to the former Kingston Township council in 1994 and to the board of control of the newly amalgamated City of Kingston in 1997 before being twice elected mayor of the new city, serving 2003-2010. Among the milestones of his mayoralty was a major sports and entertainment venue (currently the Leon's Centre) that also hosts important Queen's events. Harvey's survivors include his wife, Sharon Monson, sons Zachary and Tyler, and stepsons Zac, Nathan, and Jacob.

1977



Judith McTavish, Law'77 (MA'72), died peacefully at the age of 75 on Jan. 26, after a courageous battle against blood cancer. She enjoyed a challenging career as in-house counsel with several companies in a variety of industries, including the Edgemont Group, the Electrical Safety Authority, and De Lage Landen Financial Services Canada Inc. On retirement, she taught English as a second language with her husband, Bernard Hallas, for two years at Qiong Zhou University in Sanya, China. Later, she shared her legal experience as a board member of their condo association in Burlington.

1980



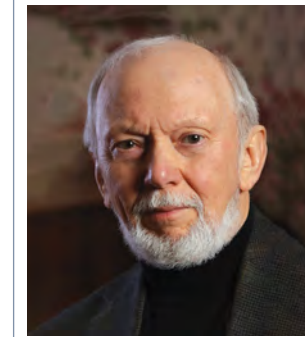
Ross Dumoulin, Law'80, has a second book published: *Bubblegum, Bad Food, Bad Doctors*. It is a collection of 14 short stories spanning six decades filled with humour and high-risk behaviour bordering on disaster. First, they delve into Ross's weird childhood entrenched in the Sixties mentality and culture. They move on to family life and a tale of Ross transporting a full can of paint inside his new car. What could possibly go wrong? He later experiences a series of medical misadventures that see him labelled "borderline normal"! The last three stories, written about his volunteer work to make young lives better, celebrate children and ▶



Justice Gary Tranmer, Law'77 (Sc'74), is the 2023 winner of the Frontenac Law Association's Lou Tepper Award of Excellence for his exceptional contributions to the legal profession in Frontenac County. Gary (shown with Geraldine Tepper, Law'60, widow of the award's namesake) practised in Kingston with Cunningham, Swan, Carty, Little & Bonham before opening Nelson Tranmer LLP in 2000. Seven years later he was appointed to the Ontario Superior Court of Justice in Sault Ste. Marie, but returned to Kingston in that role in 2010. Since then, his nominators wrote, "he has earned a reputation as a judge who demonstrates patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility."

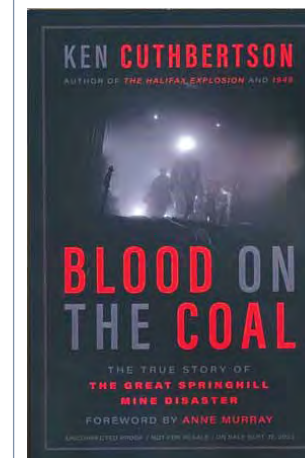
their joie de vivre. The book is available on Amazon, the Chapters/Indigo website, or by emailing Ross at r.dumoulin@rogers.com.

1983



BERNARD CLARK

Ken Cuthbertson, Law'83, has written his seventh book, *Blood on the Coal: The True Story of the Great Springhill Mine Disaster* (HarperCollins), which will be available in September. In October 1958, the colliery at Springhill, N.S., was a leading candidate for the dubious distinction as the world's deepest and most dangerous coal mine. When disaster did happen, many miners died and so did their town. Sixty-five years later, the story of how and why this happened – told in the voices of the men who survived it – stands as a haunting cautionary tale and a reminder of the perils of blind reliance on a fossil fuel known inevitably to be disastrous. Indigo has labelled Ken's work, with its foreword by Nova Scotia singer Anne Murray, one of its "Most Anticipated Canadian Books."



1983



The Hon. Simon France, LLM'83 (LLB Auckland), died April 8 at 64, shortly after retiring from New Zealand's Court of Appeal due to illness. He had held the post since August 2022, following 17 years as a High Court judge. Chief Justice Helen Winkelmann noted that he "had presided over some of New Zealand's most difficult trials, earning widespread respect for his manner of conducting them." Simon's wife, Justice Dame Ellen France, LLM'83, of NZ's Supreme Court, survives him. They met in first-year Law at Auckland University in the late 1970s. After graduation, he practised briefly as a solicitor, but soon they moved to Canada to complete master's degrees at Queen's Law. Back home in 1984, Simon joined Victoria University of Wellington as a law lecturer, advancing to Dean of Students and Deputy Dean of the Law School before leaving academia in 1995 to become a Crown counsel, specializing in criminal appellate work. Following Ellen's 2002 appointment to the High Court, Simon's own honour in 2005 made NZ national headlines and legal history; they were the first married couple to both sit on that court.

1984

Rachel Baxter, Law'84, after 34 years in private practice (litigation, family law, and estates), in Moncton, NB, closed the office in 2020 and joined a local writers' group. Earlier this year, the group started a publishing company, Merlin Star Press, ▶



and Rachel joined the board and became a marketing director. "The website is up (www.merlinstarpress.com), submissions are coming in, and the first book will appear in December," she says.

"We're having a lot of fun." Running is still a part of Rachel's lifestyle, decades after leaving Queen's Track. She and her husband run, ski, bike, hike, and drink coffee with the local running community.

1989



Laurel Claus-Johnson, a member of the Law'89 class, died at 78 on Sept. 30, 2022, in Kingston. She was a revered Elder of the Bear Clan of the Mohawks of the Bay of Quinte, a leader in the Indigenous community, and a tireless advocate for education, the environment, and Indigenous rights. Read about her causes, memberships, projects with Patricia Monture, Law'88, LLD'09 (died 2010), and increasing bonds with Queen's Indigenous faculty, staff, and students in the Winter issue of the *Queen's Alumni Review* at law.queensu.ca/clauser-johnson. Laurel's survivors include her children Shea, Sheldon, and Gemma Triviss.

1993



Alicia Quesnel, Law'93, was named 2023's Female Trailblazer in Private Practice by the Canadian Law Awards for her exceptional leadership, community involvement, and contributions to gender equality in the legal profession. Her promotion to Managing Partner of Burnet, Duckworth & Palmer LLP last year made her the first woman to hold that position in the Calgary firm where she has spent her entire career. A strategic advisor on complex commercial matters in the energy sector, she has advised on deals and projects valued at over \$100 billion. One of her mentees, a BD&P partner, says, "The testament to the reach of Alicia's influence are the generations of lawyers, female and male, who practice her type of mentorship and sponsorship every day." Her current community involvements include chairing SOS Children's Villages Canada.

1996



Kathryn Manning, Law'96, earned her Qualified Arbitrator (Q.Arb) designation in 2022. As part of her commercial litigation and arbitration practice, she now acts

as both an arbitrator and counsel in a broad range of matters, including shareholder, product liability, real estate, and civil fraud disputes. She is a founding partner of DMG Advocates LLP, a Toronto-based commercial litigation boutique that celebrated its fifth anniversary this year. Kathryn can be reached at kmanning@dmgadvocates.com

1999



Laurie Tucker, Law'99, started a one-year term as President of the Ontario Trial Lawyers Association (OTLA) in May. Over the past 22 years, she has built a successful personal injury practice and is a co-founder of the firm Burn Tucker Lachaine. She and her partners represent clients locally in Ottawa and throughout eastern Ontario. After many years of service on the OTLA Board, Laurie is excited for the opportunity to lead the organization.

2000

Christa Bracci, Law'00, LLM'18, was named a Queen's University 2023 Champion for Mental Health. Christa, an adjunct lecturer who teaches Advanced Legal Research, received the honour for showing compassion, encouraging a sense of belonging, inspiring health-promoting behaviours, and promoting student mental wellbeing. Her student nominator said, "Professor Bracci has been very kind and accommodating with my mental health issues this semester. She's a kind, caring professional and a great professor who knows her craft."



Robin Holman, Law'00, was appointed Judge Advocate General (JAG) of the Canadian Armed Forces (CAF) and promoted to the rank of Brigadier-General on June 28. In addition to superintending the administration of military justice in the CAF, over his four-year term he will serve as legal advisor to the Governor General, the Minister and Department of National Defence, and the CAF in matters relating to military law. Robin, who had been in the CAF since 1986, joined the Office of the JAG in 2002, and went on to serve as a military prosecutor, a deployed legal officer, and in a series of leadership roles that included Deputy JAG for Military Justice and later for Operational and International Law. Since November 2021, he had been the Acting JAG. Robin is the second Queen's Law grad to have reached the CAF's top legal position; the first was Brig.-Gen. (ret'd) Ken Watkin, Law'80, LLM'90, now an award-winning author on the law of war (see pp.36-37).

2003



Victoria Loh, Law'03, has won the first Equity, Diversity and Inclusion Award from the Queen's University Alumni

Association. To help new lawyers during the pandemic, Victoria recorded CPD webinars to teach the basics in family, real estate, and estate law, as well as making videos to share tips and strategies on marketing and personal financial literacy. Through "The Loh Down," her mentorship group composed mostly of racialized lawyers, she offers discussion forums, arranges networking opportunities in GTA restaurants, and more. "Victoria has selflessly dedicated her time and energy to mentoring us," wrote a nominator. "She has brought us together to bond and help one another in times of need and has encouraged us to be leaders within our communities and courageous and proud of our backgrounds."

2009



Mathew Good, Law'09, passed away on April 27, following an illness. Graduating as the bronze medallist of his class, he clerked for Chief Justice Beverley McLachlin at the Supreme Court of Canada, 2010-2011, and then returned home to Vancouver, becoming an associate with Hordo Bennett Mounter LLP and then Blake, Cassels & Graydon LLP. In 2017, he opened his own practice, Good Barrister, where he specialized in complex commercial litigation and class actions. Mat's survivors include his wife, Claire Hunter, their children Zoë and Olin Hunter-Good, and his parents, Ed Good, Law'82, and Anna Maddison, Law'81.

2011



Remissa Hirji, Law'11, was promoted to Director and Counsel, Class Proceedings Committee, with The Law Foundation of Ontario on Dec. 17, 2022. Previously a plaintiff-side class action lawyer who represented clients before Ontario and Quebec courts and the Supreme Court of Canada, she joined the Foundation in 2019 as the Committee's first Associate Counsel. In her new role, she sits on the Foundation's senior leadership team and works with committee members to manage the class action funding applications received by the Class Proceedings Fund and to ensure its fiscal sustainability. She also serves on the OBA Class Actions Law Section's executive.

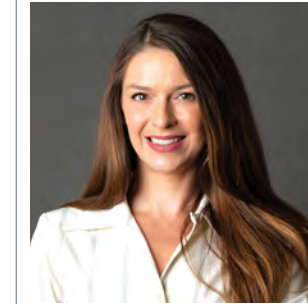
2012



Kristy Pagnutti, Law'12, was promoted to Executive Director of the Ontario Justice Education Network (OJEN) in March, having served in increasingly senior positions with the not-for-profit NGO over the past seven years. Previously, she served as its Director of Capacity Building and Engagement, had overseen its Justice Education Fellowship program and

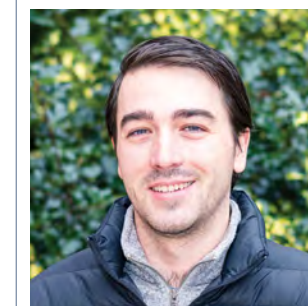
volunteer management initiatives for more than 1,600 annual volunteers, and was Acting Director of Educator Support.

2014



Elisabeth van Rensburg, Law'14, became a partner at Beard Winter LLP in Toronto on Jan. 1. She has a broad insurance litigation practice and is also retained by clients to handle commercial, environmental, and real estate disputes. *Best Lawyers* named her to its 2023 "Ones to Watch" list.

2015



Paul Warchuk, Law'15, Medallist in Law in his graduating class, was appointed an assistant professor at UNB Law on July 1. He holds an LLM from Harvard and is currently a PhD candidate at Cambridge. Paul clerked for both Federal Court of Appeal Justice David Stratas, Law'84, LLD'12, and Supreme Court of Canada Justice Suzanne Côté, and served as counsel in the Department of Justice Canada's Constitutional, Administrative and International Law Section.

2018

Blake Van Santen, Law'18, received an Arthur T. Vanderbilt Scholarship covering his full



tuition to pursue his LLM in international law at NYU. His application essay built on a student paper he wrote for Professor Darryl Robinson concerning immunity from prosecution for heads of state. Blake applied his analysis to challenges raised by initiatives to prosecute Russian President Vladimir Putin for the crime of aggression in relation to the war in Ukraine.

2019



Stephanie Simpson, LLM'19 (Arts'95, Ed'97, MEd'11), was appointed Queen's University's first Vice-Principal (Culture, Equity, and Inclusion) on June 1. As an integral part of the Queen's Human Rights and Equity Office since 1996 and in her most recent role as Associate Vice-Principal (Human Rights, Equity, and Inclusion), Stephanie works tirelessly to advance competence, establish resources, and ensure accountability and legislative compliance for the university on all matters related to Indigenous - Equity, Diversity, Inclusion, Anti-Racism, and Accessibility (I-EDIAA).

GREG BLACK

2020



Lauren Winkler, Law'20, has started a business: Tawatate:ken (All My Relations). In her Indigenous dispute resolution and reconciliation consulting practice in Toronto (<https://tawatateken.ca/>), she is training and advising law firms, law schools, courts, and other law-adjacent organizations on how to better support Indigenous clients. Incorporating traditional Indigenous peace-making methods, she also acts as a

mediator between Indigenous communities and between Indigenous and non-Indigenous parties.

2022



Christina Tang, Law'22, will be clerking for Supreme Court of Canada Justice Malcolm Rowe in 2024-2025. Christina, who received the Medal in Law for highest standing in her graduating year, has been spending 2022-2023 in Toronto as a law clerk with the Ontario Court of Appeal.

Queen's

LAW REPORTS 2024

We'd love to hear your professional or personal news!

Please send it and, if possible, a high-resolution digital photo to editor Lisa Graham, grahaml@queensu.ca for publication in the 2024 issue of *Queen's Law Reports*

Five alumni elected LSO benchers

Among the lawyers elected benchers of the Law Society of Ontario at its May 25 Convocation were these grads (shown l-r):

Peter Wardle, Law'84, a partner with Singleton Urquhart Reynolds Vogel LLP (Toronto), working in the commercial and business litigation and professional liability practice groups.

Margaret Waddell, Law'87, a partner with Waddell Phillips Professional Corporation (Toronto), specializing in prosecuting and resolving class actions and complex civil disputes.

Karen Hulan, Law'02, a partner with Beckett Injury Lawyers (London), working in the plaintiff injury group, and President of the Middlesex Law Association.

Natalia Rodriguez, Law'10, a partner with Conway Baxter Wilson LLP (Ottawa), practising civil litigation and dispute resolution. She recently served nine months as Senior Counsel to the Public Order Emergency Commission that inquired into the federal government's February 2022 invocation of the *Emergencies Act* in Ottawa.

Pam Hrick, Law'13, Executive Director & General Counsel of the Women's Legal Education and Action Fund (LEAF), which received the 2023 LexisNexis Canada Award for Canadian Law Department of the Year.

Over their four-year terms, these grads will meet with fellow benchers about eight times a year to consider policy matters and to conduct the business of governing the affairs of the Law Society.



Five alumni are among Lexpert's latest 'Leading Lawyers Under 40'

Named to *Lexpert* magazine's 2022 list of "Rising Stars" were these grads (shown l-r) working in Toronto:

Heidi Gordon, Law'10, a partner with McCarthy Tétrault LLP, specializing in M&A, corporate, and securities law.

Brian Kolenda, Law'10, a partner with Lenczner Slaght, with a civil litigation practice covering a wide range of disputes.



Emily Ting, Law'10, a partner with Goodmans LLP and co-head of a business law group, focusing on corporate finance and M&A.

Amrita V. Singh, Law'12, a Canadian partner with international intellectual property law firm Marks & Clerk and Co-Head of its Canadian Litigation Practice Group.

Pam Hrick, Law'13, Executive Director and General Counsel with the Women's Legal Education and Action Fund (LEAF).

New endowed Travers award supports deserving students in financial need

Donald J. Travers, Law'72 (Arts'70), the scion of a family that rose from hardscrabble beginnings in rural Quebec, was able to attend law school only because of the support and encouragement of his parents – his father in particular. Inspired by that largesse, he's now paying it forward, to the benefit of Queen's Law students.

Toronto native **Emile Shen, Law'23**, is the first recipient of a new award that Travers established to support financially challenged JD students who have excelled both academically and in community service.

Travers, founder and Managing Partner of Travers Law in Kitchener, Ont., gave \$100,000 to capitalize the award commemorating the spirit of his late father. The elder Travers "came out of the backwoods of the Gaspé coast in Quebec" after attending a one-room primary school. "Somehow, with just a grade six education, he was able to make his fortune in Montreal and never stopped stressing to me how lucky I was to have the opportunity to get an education," says Travers.

"I'm not sure my dad expected me to go to law school, but I was incredibly lucky that he was very generous and had the drive for education. I know that many students aren't that lucky, and so I hope to continue adding to the bursary in a significant way. Queen's Law gave me a great future, and I now feel it's my turn to give back through this bursary and contributions to future projects at the school."

Shen understands the emotions and desires that prompted Travers to establish his award, and she amply fulfills its criteria. The first of her family to attend law school, Shen has made the most of her three years at Queen's. She



Donald Travers, Law'72 (Arts'70), established the Donald J. Travers Award in Law for JD students facing financial needs while excelling academically and in community service. The first recipient is **Emile Shen, Law'23**.

completed an internship with the United Nations High Commissioner for Refugees, served as a student caseworker with the Queen's Prison Law Clinic, and involved herself in a variety of student initiatives.

"Receiving the award helped lessen my financial stressors and helped me finish law school to the same high standards that Queen's Law has helped me to realize in myself," says Shen. She's now articling at Koskie Minsky LLP in Toronto.

Contributions to support the Donald J. Travers Award in Law can be made online at <https://givetoqueens.ca/traversaward>.

Gifts to support the Queen's Faculty of Law Bursary, awarded to JD students solely on the basis of financial need, can be made online at <https://givetoqueens.ca/lawbursary>.

Cunningham Swan, a local firm with close ties to the law school, honoured by philanthropists for its long history of giving back

Kingston firm Cunningham Swan Carty Little & Bonham LLP received the 2022 National Philanthropy Day Award as Outstanding Corporation from the Association of Fundraising Professionals of South Eastern Ontario (AFPSEO). The firm, which dates back to 1894, has a history of supporting access to justice through financial donations and volunteer activities. The firm's \$125,000 gift to the Queen's Law Clinics in 2019, which Dean Mark Walters noted was essential to maintaining services due to other funding shortfalls, has helped support law students providing vulnerable people in the community with legal services and given these future lawyers practical training. Other major gifts since 2013 have refurbished a classroom, named for the firm, enabling students to access the latest learning technology. To date, Cunningham Swan has donated almost \$400,000 to Queen's, especially Queen's Law. The firm's lawyers also serve as volunteers on committees and boards, donating hundreds of hours to a host of charitable and not-for-profit organizations in the region.

Managing Partner Andrea Risk, Law'99, says, "Many of our partners and associates are proud graduates from Queen's Law who continue to be involved with the Faculty by



Nov. 15, 2022: Accepting the National Philanthropy Day Award for Outstanding Corporation in southeastern Ontario are members of winning firm Cunningham Swan (shown with Karla McGrath, LLM'13, Queen's Law Clinics Executive Director (3rd left) and Zabrina Testa, Senior Development Officer (far right)): Alexandra Manthorpe, Law'10, a firm Associate and Dean's Council member; James McDonald, Law'08, Partner; David Munday, Law'09, Associate Managing Partner; Caroline Bedard, then-Associate; and Austin Pammett and Adam Higgins, both Law'22, then-articling students and now Associates.

teaching courses, coaching students on mooted teams, and other activities. We feel it is essential to our profession that we continue to help our alma mater graduate young lawyers who are well-equipped to assume roles that can lead to positive change – whether that change be in the legislature, in the courts, or in the day-to-day lives of clients." — ND



Keep up with the latest!

A lot happens at your alma mater between our annual magazine issues.

Check your inbox this fall for your first Queen's Law alumni newsletter.

Three times a year, we'll be bringing you more up-to-date news about your alma mater, spotlighting fellow grads, announcing upcoming events of social and professional interest, and more.

If you would like to get on our e-mailing list or if you have a new email address, please update your Queen's profile at

<https://apps.adv.queensu.ca/forms/biographic/>



As part of one volunteer program connecting students with alumni, Phillip Da Costa, Law'25, spent a day learning about life as in-house counsel with his Shadow Program mentor Madeleine Tyber, Law'17, Corporate Counsel at Sotheby's International Realty Canada in Toronto.

Help shape law's future leaders. Mentor a student.

You can help shape the next generation of legal practitioners by sharing your experience, expertise, and insights with Queen's Law students. From professional network-building to job shadowing and one-to-one mentorships, we have designed a range of volunteer programs to give our students a better sense of the dynamic career opportunities that could await them. Alumni can play vital roles in the future of the profession, and our volunteer career development programs are a great way to stay engaged and support those who may be the sector's future leaders.

For more information, please visit

<https://law.queensu.ca/alumni/volunteer>

New PhD grad already a Caribbean dean

Six weeks after receiving her doctoral degree from Queen's Law, **Alicia Elias-Roberts, PhD'23**, was appointed Dean of Law at the University of the West Indies (UWI), St. Augustine Campus in Trinidad and Tobago. She began her four-year appointment on August 1.

"My experience at Queen's will certainly shape my approach to my new deanship," she says. "My studies helped me to better appreciate that law should *and must* be an agent of social change. Looking back, I see how the faculty facilitated this appreciation through all their teaching, course offerings, seminars, etc."

Elias-Roberts arrived at Queen's in September 2016 as the first Robert Sutherland Fellow in Law. This award, established by the law school's alumni and friends to honour the legacy of a key Black figure in Queen's and Canadian history, supports graduate students coming from his Caribbean home region. She honoured that legacy, earning four additional awards and global recognition for her work on the legal consequences of unilateral petroleum activities in the Caribbean and other disputed maritime zones. During her PhD studies, she co-edited a book, wrote or co-authored nine chapters for peer-reviewed books, and had nine articles published in such international publications as the *Journal of World Energy Law & Business* (Oxford).

As the new Dean of the UWI St. Augustine Law Faculty, Elias-Roberts says she is looking forward "to setting up more outreach activities with positive impacts on the communities we serve and to collaborating with such



Alicia Elias-Roberts, PhD'23, has been appointed Dean of Law at the University of the West Indies' St. Augustine Campus in Trinidad and Tobago.

stakeholders as governments, the judiciary, bar associations, diplomats, and the private sector to make a positive impact on legal education in the Caribbean and globally."

Contributions to the Robert Sutherland Fellowship in Law can be made at <https://www.givetoqueens.ca/sutherland>

The Cybulsky Case, Round II

Tribunal's remedy decision confirms gender discrimination is a 'systemic workplace issue': Law'20 grad



Irene Cybulsky, Law'20, who had been removed in 2016 from a ground-breaking position as Canada's first female head of a cardiac surgery division, has won another round in her fight for workplace equality. Prior to closing her practice and entering law school in 2017, the prominent surgeon decided to stand up for her own – and other women's – rights, by filing an application against Hamilton Health Sciences (HHS) at the Human

Rights Tribunal of Ontario (HRTO).

Two years after winning the liability aspect of her case in March 2021, the HRTO released its remedy decision awarding Cybulsky \$26,500 in monetary damages for stipend loss and "for injury to dignity and self-respect" (the upper limit in this category) and granting her request for a public interest remedy. The latter ruling directs HHS "to consult with an external independent specialist on gender discrimination and leadership" and lays out specific measures to provide education, ensure transparency in discrimination investigations, and assist in combating gender stereotyping.

The public interest remedy, Cybulsky notes, "showed that this case was not just about me, but about the problem that female leaders continue to face as a result of gender stereotyping. The main reason I pursued this litigation was to confirm that gender discrimination is a systemic issue."

Cybulsky, now a lawyer with the federal Competition Bureau, adds, "I hope my legacy is that people can talk openly about gender stereotyping and gender bias. The fact that my case showed this to be a systemic problem may enable women not only to recognize it as such, but to discuss it in their workspace without being identified as troublemakers for having raised the subject."

Large institutions should not wait to be told to implement similar measures as HHS, Cybulsky adds. "With decisions such as mine, leaders cannot plead ignorance about this problem."

While encouraging women to seek leadership positions, she underscores the need for establishing tangible, measurable benchmarks for how they will be evaluated and how they will receive support for initiatives they hope to implement. Most importantly, says this quiet champion of workplace equality, "We must keep questioning and seeking answers, rather than accepting the status quo!" — ND

Judicial Appointments

Grads from across Canada join the bench; a scholar jumps to federal appeal court

Gerald Heckman, LLM'99, a law professor with the University of Manitoba since 2006, was appointed to the Federal Court of Appeal on June 1. Fluently bilingual, prior to his academic career and earning a PhD he had clerked at the Federal Court of Canada and then practised labour, employment, and human rights law at a national firm. At U Manitoba, he taught administrative law, constitutional law, and language rights, received several faculty and university teaching and service awards, and co-directed the law school's pioneering Access to Justice in French concentration. His publishing history includes *Administrative Law – Cases, Text and Materials*, General Editor (Emond, 8th ed.) and contributions to other leading English- and French-language legal texts and casebooks. He sat on the boards of the Council of Canadian Administrative Tribunals, the Canadian Association of Law Teachers, and other national organizations; taught justices at seminars for the National Judicial Institute and the Canadian Institute for the Administration of Justice; and served as President of the Association des juristes d'expression française du Manitoba, where he promoted initiatives to enhance access to justice in both official languages.

Anne Turley, Law'91 (ArtSci'88), a Senior General Counsel with the Department of Justice, was appointed to the Federal Court on May 4. Over her 30-year career as a civil litigator, she appeared before all levels of court, notably the Supreme Court of Canada, as well as federal administrative tribunals and commissions of inquiry, including as lead counsel for the Government before the National Inquiry into Missing and Murdered Indigenous Women and Girls. She founded a Justice Canada initiative to support, develop, and mentor women litigators, and served as a director of The Advocates' Society, an advocacy advisor with the Supreme Court Advocacy Institute, and a member of the Canadian Institute for Advanced Legal Studies. In 2021, she was inducted as a Fellow of the American College of Trial Lawyers.



Lynett (Desmond) Jung, Law'92, a veteran Crown prosecutor, was appointed on Dec. 1, 2022, to the Provincial Court of British Columbia, sitting in the interior region with chambers in Penticton. She began her career litigating family law and civil matters and handling the Insurance Corporation of B.C. defence cases. As a Crown counsel in the Fraser Region, she prosecuted a wide range of cases, and in 2017 she became Deputy Director

for Legal Resources, Learning, and Development at the B.C. Prosecution Service, managing its continuing legal education program. She has been a leader in professional development and education for Crown counsel throughout her career.



M. Claire Wilkinson, Law'93, a solo practitioner in Burlington, was appointed on Feb. 20 to preside in Brampton at the Ontario Superior Court of Justice. Her plaintiff's personal injury practice with Martin & Hillyer Associates for the prior 28 years focused on assisting sexual assault survivors. In addition, she served as president of both the Halton County Law Association and the Ontario Trial Lawyers' Association (OTLA), an elected bencher with the Law Society of Ontario, and an adjudicator with the Law Society Tribunal. She received OTLA's Distinguished Service Award as well as a community distinction award in Halton/Hamilton, where she was a long-time United Way Legal Committee member.



Martha Cook, Law'99, a solo practitioner in Stratford, was appointed to the Ontario Superior Court of Justice in London on Feb. 20. She had practised civil and administrative law in Toronto before her 2009 move to Stratford, where she went on to provide clients with specialized services in civil litigation, estate matters, administrative law, and selected criminal matters, appearing at every level of court in Ontario, plus the Federal Court and the Federal Court of Appeal. She has also served as Director of The Advocates' Society, Chair of its Practice Groups Standing

Committee, Vice-Chair of its Diversity and Inclusion Steering Committee, and Chair of its Infrastructure Task Force, and has additionally volunteered with several legal and not-for-profit organizations.



Owen Rees, Law'02, Acting Assistant Deputy Attorney General with Justice Canada, was appointed to the Ontario Superior Court of Justice in Ottawa on April 21. After beginning his career clerking for Supreme Court Justice Louis LeBel, he practised with Stockwoods LLP, Toronto, and then Conway Litigation, Ottawa. He served as Executive Legal Officer to Chief Justice Beverley McLachlin (2012-2015), later joining Justice Canada as Senior General Counsel. An Oxford BCL grad, he taught law there, then at Queen's and Osgoode. He received Queen's 2018 Justice Thomas Cromwell Distinguished Public Service Award. He and Queen's Professor Grégoire Webber co-founded and were co-executive directors of the Supreme Court Advocacy Institute, for which they received the Meritorious Service Medal in 2015.

Allison Kuntz, Law'03, a partner with Stikeman Elliott LLP, was appointed to the Court of King's Bench of Alberta in Calgary on April 24. She was previously a commercial litigator for 19 years, first with Norton Rose Fulbright LLP. Her practice covered issues arising in a wide range of areas, including oil and gas, construction, supply-chain management, and pharmaceutical and consumer protection. In 2022, she was recognized by Benchmark Litigation Canada ("Litigation Star in Arbitration, General Commercial Litigation, Energy and Class Action") and by Best Lawyers in Canada. She has also mentored junior lawyers, involved herself in law firm management, taught for both the Legal Education Society of Alberta and The Advocates' Society, and been a board director of various non-profit organizations.

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Congratulations to our newest honorees!

A corporate leader, a young criminal defence lawyer, a chief justice who adopted the North, a war crimes prosecutor, and a politician-turned-international consultant – they are all winners of this year’s Queen’s Law alumni awards.

For its 2023 honours, the Dean’s Council awards committee selected five winners – two of them for Cromwell Awards – from a strong and diverse list of nominees put forward by fellow grads. This year’s winners are:



Sheila A. Murray, Law’82
H.R.S. Ryan Law Alumni Award of Distinction
(for overall distinction in the legal profession)

CI Financial’s past President, promoted from senior executive positions after starting as General Counsel, she is now, in retirement, Board Chair of Teck Resources Limited, a trustee of Granite REIT, and a director of BCE and Bell Canada. She also led CI’s mentoring program for high-potential women employees and today teaches and speaks on topics in governance and securities law, the areas in which she previously was a leading lawyer.



Tony Paciocco, Law’14
Dan Soberman Outstanding Young Alumni Award
(for early-career success)

A partner with Edelson Foord Law in Ottawa and lead counsel for several high-profile criminal defence cases, he has appeared before all levels of court in Ontario, conducting trials and for appellate work, and devotes one-fifth of his practice to legal aid files. He also teaches various continuing professional development courses, mentors law students, and taught Criminal Trial Advocacy at Queen’s for four years.



Chief Justice Suzanne Duncan, Law’85
Justice Thomas Cromwell Distinguished Public Service Award
(for sustained and outstanding public service)

After a Toronto practice including pro bono immigration cases, she joined Justice Canada in 2001, moved to Whitehorse in 2006, was appointed to Yukon’s Supreme Court in 2018, and promoted to Chief Justice in 2020. During her prior practice in the territory, she litigated extensively on Aboriginal law and Crown liability, serving as in-house counsel for the Kwanlin Dün First Nation. She also volunteered on Yukon’s Law Society executive, Employment Standards Board and Legal Services Society.



Norman Farrell, Law’86
Justice Thomas Cromwell Distinguished Public Service Award
(for sustained and outstanding public service)

His 20-plus years prosecuting persons involved in genocide, war crimes, crimes against humanity, and acts of terror include serving as Prosecutor of the Special Tribunal for Lebanon and Deputy Prosecutor for the UN International Criminal Tribunal for the Former Yugoslavia. He has been the International Committee of the Red Cross’s legal advisor on international humanitarian law and on international criminal law, a topic he has taught at Queen’s Bader College since 2003.



Monique M. Smith, Law’91
J.A. (Alec) Corry Distinguished Alumni Award
(for excelling in a career outside the traditional practice of law)

As an Ontario MPP (Nipissing [L] 2003-2011), she held several senior Cabinet posts and was Government House Leader under Premier McGuinty, for whom she had been Chief of Staff in Opposition. Later, she was Premier Wynne’s Transition Lead and Ontario’s first Representative in Washington. Now as Senior Counsel with Global Public Affairs, she specializes in Canada/U.S. relations and cultural industries, and as an independent international consultant, she works on strengthening democratic institutions in emerging democracies.

Nominate a deserving grad for one of our 2024 awards.
Check out how at law.queensu.ca/alumni/awards



OCT.  20-22

HOMEcoming

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On the October 20-22 weekend, we invite you to reunite with classmates, connect with other grads and professors, share memories and make new ones while learning about exciting new developments at your beloved law school.

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