Fall 2016

The Osgoode Brief (Fall 2016)

Osgoode Hall Law School of York University

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Osgoode builds on its reputation for innovation with the development of compelling, new courses.
Legal education at Osgoode is evolving from an inward focus on legal concepts and doctrines to an outward focus on problem-solving; community engagement; law reform, social and economic innovation; and ideas in action.

At Osgoode, this transformation took on literal dimensions as our new building featured windows rather than brick, and allowed communities to see in and students see out – this shift has been reflected in Osgoode’s curriculum as well, with new experiential and research requirements.

Legal education is in the midst of transformation in part because of disruptions affecting the justice system and the delivery of legal services - including digital and tech transformation; globalization; rising tuition coupled with rising student debt; and critical narratives challenging the norms underlying the curriculum. These transformations together have compelled all law programs either to innovate or stagnate.

While law schools have approached the drive to innovate in different ways, Osgoode has seized the opportunity for law students to become catalysts for social improvement as never before – including a focus on better access to justice; more adaptive and flexible models and tools for dispute resolution; shaping social norms of fairness and inclusion; and re-imagining the role of the legal profession and legal professionalism as drivers of social and economic enterprise. While the connection between experiential legal education (e.g. clinics, co-ops, intensive programs and internships) and social innovation is well-accepted and well into its fifth decade as Parkdale Community Legal Services celebrates its 45th anniversary this year, the link between legal research and social innovation has been subject to less scrutiny and attention. I believe this is changing. One-time research courses featuring legal research in collaboration with external organizations are becoming more common. This past year, for example, Osgoode has partnered in such ventures with the Barbra Schlifer Commemorative Clinic, Jane and Finch Votes and the Refugee Sponsorship Support Program. In each case, students engaged in organized, collaborative research, focused on problem-solving, law reform and new ways of thinking about law.

Osgoode’s focus on social innovation can lead not only to strengthening communities in need, but also, importantly, to higher quality legal education/thought leadership in legal research; broader bases of community support for the Law School; new resources for students and scholars; and broader support/engagement from alumni and the legal profession.

I look forward to Osgoode’s continued leadership in building communities – as there is no feature which better captures what brings the Osgoode community together!

Lorne Sossin '92
Dean
To mark Black History Month, the BLSA created a composite photo of all of the black law students who have graduated from Osgoode over the past 115 years.

Anita Herrmann and Meghan Carrington in Osgoode’s External Relations & Communications Office worked with the students on the photo project. They discovered, incidentally, that Osgoode’s first black law graduate was in the Class of 1900.

The composite was unveiled on February 24 at the Lincoln Alexander Award Ceremony, one of the culminating events of Black History Month at Osgoode, and will be hung in the Law School.

BLSA President Kyle Elliott ’16 said the BLSA wanted to briefly change the conversation from broader issues of racial profiling, police brutality and racial inequality to focus on a celebration of black excellence and “how we might properly acknowledge, celebrate and pay tribute to those black students at Osgoode who have gone before us.” At the Lexpert event, Osgoode Visiting Professors Jamil Jivani and David Lepofsky as well as numerous Osgoode alumni also picked up Zenith Awards in various categories.
**Remembering Reuben Hasson**

Friends and colleagues of Professor Reuben Hasson gathered at Benjamin’s Park Memorial Chapel in Toronto on March 17 to celebrate his life and contributions.

Hasson, who joined the Osgoode faculty in 1975 and retired in 2001, was a leading Canadian scholar in insurance law and social assistance law. He also taught and wrote in the fields of tort law, contract law, commercial law and the Charter of Rights. Beloved by his students, he was a masterful teacher and an equally wonderful colleague. Below are brief excerpts from eulogies given by three faculty members who knew and loved the man.

> In many ways, his charm lay in his naiveté, starting for a man so refined in social and political thought. He once told me that the first time he ever travelled to South Africa, he had to fill in a form that asked him to specify his race. Young and innocent and having been raised in a Jewish family, he simply filled in the box marked “race” – “chosen.” The story is endearing. It also speaks to one of Reuben’s finest character traits: just as he did not then, he never could understand how anyone could differentiate between people on the basis of their colour, origin or convictions.

> - Professor Emeritus Harry Glasbeek

> I first met Reuben when I was a student at Osgoode Hall Law School in the late 1970s. He taught me Commercial Law, a course that I only took for one reason – Reuben taught it. He had an outstanding reputation as a teacher, known for his passion, his insight and his sense of humour. He did not disappoint. Reuben always dressed in a suit for class, but he was hardly formal. Half his shirt would be hanging out of his pants and his tie would be askew. He fit the stereotype of the eccentric professor for sure but that did not detract from the respect and affection his students felt for him – even those who disagreed with his criticisms of the law and sometimes of the judges who pronounced it.

> - Professor Eric Tucker

> He was very learned and committed to good causes. He was also passionate and caring – both in relation to the community and society at large and to friends. During the last 15 years when I joined forces with other friends to help him, I did my best to pay back to him for his generosity and friendship in welcoming me and my family when we moved to Toronto in 1977. With my wife Esther and daughters who are too far away today to be with us physically – I feel indebted to him forever.

> - Professor Benjamin Geva

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**Osgoode Welcomes Champion for Human Rights**

World-renowned international jurist Navi Pillay delivered the 2016 N. Sivalingam Memorial Lecture in Tamil Studies at Osgoode on April 7. Drawing on her experiences and expertise as a lawyer defending anti-apartheid activists in South Africa for 29 years, as a judge of the International Criminal Court, President of the International Criminal Tribunal for Rwanda, and UN High Commissioner for Human Rights from 2008 to 2014, Pillay highlighted the challenges and achievements of international legal systems in delivering justice for international crimes. She currently serves as the Chief Commissioner of the International Commission against the Death Penalty.

> Her lecture, which drew an audience of more than 300 people, was presented by Osgoode’s Jack & Mae Nathanson Centre on Transnational Human Rights, Crime and Security, the York Centre for Asian Research and Amnesty International with support from Osgoode’s Institute for Feminist Legal Studies, and the York graduate program in Socio-Legal Studies.

> In Pillay’s honour, Gary Anandasangaree ’05 has spearheaded a fundraising campaign to establish a permanently endowed JD student award at Osgoode. A Tamil Canadian lawyer, human rights activist and politician, Anandasangaree has represented the federal riding of Scarborough-Rouge Park since 2015. In Pillay’s honour, Gary Anandasangaree ‘05 has spearheaded a fundraising campaign to establish a permanently endowed JD student award at Osgoode. A Tamil Canadian lawyer, human rights activist and politician, Anandasangaree has represented the federal riding of Scarborough-Rouge Park since 2015.

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**RE-IMAGINING CHILD WELFARE SYSTEMS IN CANADA SYMPOSIUM**


The symposium will bring together academics, front-line service providers, advocates, and community-based organizations to deepen our understanding of how race intersects with the over-representation of Aboriginal and African-Canadian children in child welfare systems.

Aboriginal children are dramatically over-represented at every stage of child protection intervention across Canada. The key drivers are poverty, poor housing, and substance misuse related to multi-generational trauma. Research supports race is a factor in child welfare authority decision-making as it remains significant even after clinical factors are controlled for. A compounding disadvantage for First Nations children is the discriminatory child welfare funding regimes on reserve and in the Yukon that yield significantly fewer family support services despite the higher needs of families owing to the multi-generational impacts of residential schools and colonization. While there is a lack of national data on the situation of African Canadian children in Canada, the over-representation of African Canadian children has been documented in Ontario, particularly, within larger urban centres. Data from the Ontario Incidence Study of Reported Child Abuse and Neglect, for example, reveal that African Canadian children are 40 percent more likely to be over-represented among reports to child protection authorities.

An urgent need to address this situation has been identified both domestically (the Truth and Reconciliation Commission) and internationally (the United Nations Committee on Economic, Social and Cultural Rights).

The symposium seeks to take up these calls for action by creating a space to share current research and promising community-led alternative models from across the country.

The day will include speakers Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada, and Kike Ojo, Project Lead of One Vision One Voice: Changing the Child Welfare System for African Canadians. Panels throughout the day will explore, among other issues, the implications of the Caring Society decision of the Canadian Human Rights Tribunal, the laws of Indigenous peoples related to child welfare; Indigenous and African-Canadian community-driven and culturally-based models; and the complex interplay of poverty and race.

The symposium program and registration details are available on the website of the Journal of Law and Social Policy, digitalcommons.osgoode.yorku.ca/jlsp.

The JLSP will be publishing a special volume coming out of the symposium, with an anticipated publication date of late 2017.
Osgoode looks brightly towards the future with compelling, new, innovative courses

Creating something new and original that positively influences how we teach and learn at Osgoode is part of the process of innovating, and one area where innovation – “The I-Factor” – is very much in play is in new course development.

The I-Factor

Justice Design Project

**I-FACTOR**

Brings together a multidisciplinary group of students to tackle access to justice issues, which reinforces the idea that we need to cooperate and collaborate in order to innovate.

**GOAL**
To provide post-secondary students with the opportunity to learn about innovation, its various tools and methods and how these tools are being applied to the justice sector, all in a hands-on environment.

**LEARNING METHODS**
Hands-on learning assignments, experiential, design-focused. Non-credit course runs annually for one week in late August.

**INSTRUCTORS**
Nicole Aylwin, Assistant Director, Winkler Institute for Dispute Resolution, and invited guests

Beyond Bay St.: Starting up a Small or Solo Practice

**I-FACTOR**

Students want to imagine careers in law that make money, do social good and offer autonomy and work-life balance.

The market is tight and jobs are scarce. Self-employment is a viable option but law school does little to prepare future lawyers for the business, technology and culture of the profession. This course seeks to change that.

**GOAL**
Guide students in how to set up and run a professional, ethical, small or solo legal practice, and develop understanding of the larger changes shaping the landscape in which these practices operate.

**LEARNING METHODS**
Seminar, discussions, group work and assignments, simulations. Credit course in winter term.

**INSTRUCTOR**
Professor Faisal Bhabha

International and Transnational Law Intensive Program

**I-FACTOR**

First course of its kind in Canada in its design, integration of theory and practice, focus on international and transnational law, and in its utilization of internet conferencing technology to allow Osgoode-based instructors simultaneously to teach the seminar component of the course to students who have been placed in various international organizations around the world.

**GOAL**
Help students develop specialized knowledge of international and transnational law in a program that integrates scholarly perspectives, skills development, and reflective practice.

**LEARNING METHODS**
Three-month placement in an international organization, Canadian NGO, community legal clinic or law firm that deals routinely with international law issues; two-hour weekly seminar that runs concurrently with the placement; research paper. Credit course in winter term.

**FOUNDER**
Professor Obiora Okafor

**INSTRUCTORS**
Professor Craig Scott and Adjunct Professor Geri Sadoway

With the legal profession and legal education undergoing a period of intense change driven largely by technology, the need for innovation that capitalizes on new ways of thinking and prepares the next cohort of lawyers to meet a changing legal world is of paramount importance.
**Justice Innovation & Access to Justice Program**

**I-FACTOR**

Students learn the skills needed in a changing legal environment to design affordable and effective legal services that respond directly to client needs.

**GOAL**
Teach students to recognize the opportunities for innovation and develop skills to design legal services that directly address the needs of justice users.

**LEARNING METHODS**
Weekly two-hour seminar; design sessions with community partners; writing a journal containing students’ field notes and reflections on their community-based design sessions; delivery of a final design process document. Credit course in fall term.

**INSTRUCTORS**
Nicole Aylwin, Assistant Director, Winkler Institute for Dispute Resolution

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**OsgoodePD - Conducting Effective Corporate Due Diligence**

**(e-Learning edition)**

**I-FACTOR**

By enabling the selection of relevant modules, any legal professional [or student] – first-year associate or junior law clerk to senior partner – can select the specific topics of interest, from managing the due diligence process to specific substantive areas such as employment and financial statements, and receive world-class instruction and real-time exercises to apply the lessons.

**GOAL**
Developed specifically for the online learner, the program provides legal professionals with the practical tools and strategies they need to effectively manage the due diligence process in corporate transactions.

**LEARNING METHODS**
Lectures in person or remotely; ‘flipped’ classroom lectures; experimentation with information communication technologies; participation in a variety of exercises from online dispute resolution to document automation; hands-on learning assignments; two critical writing pieces. Credit course in winter term.

**INSTRUCTORS**
Adjunct Professor Monica Goyal; Adjunct Professor Darin Thompson; Nicole Aylwin, Assistant Director, Winkler Institute for Dispute Resolution

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**Learning and Leading Series**

**I-FACTOR**

Prepares students for the challenges of practising in French in Ontario by bringing in a broad range of guest speakers including judges, lawyers and others to provide perspectives and practical tips.

**GOAL**
To enhance students’ French language capabilities and provide experiential hands-on learning opportunities for students in the French language.

**LEARNING METHODS**
Hands-on learning assignments, panel discussions, research, legal writing in French. Non-credit course in winter term.

**LEADERS**
Graduate Program students Vivian Garofalo, Isabelle Owston and Melanie Desnaies

*Two more courses in the series –Tech Transformation & Law, and Developing Client & Community Relationships in Legal Practice – will be introduced in 2017.*
The William Osgoode Society

The William Osgoode Society was established to honour Osgoode's most generous donors. Named after the first Chief Justice of Upper Canada, the Society reflects the School's long history and important influence on legal education. Members of the Society include individuals, law firms, foundations and associations whose cumulative gifts total more than $25,000. Members who have given more than $100,000 will also be recognized in the York University Honour Court.

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May 1, 2015 - April 30, 2016

Osgoode Hall Law School is one of this country's finest law schools as a result of the vision, wisdom and resolve of those charged with its leadership. Our gifts are recognized in name of five deeds for their contribution to building an institution that is internationally recognized for its excellence in legal education.

The societies recognize the contributions of donors who are committed to upholding our academic excellence by supporting the Law School's mission. Membership in a society is based on paid gifts to Osgoode Hall Law School during the University's last fiscal year.

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to the Osgoode Hall Law School Fund and help the next generation of students.
The Thomas Brown Phillips Stewart Society

Thomas Brown Phillips Stewart (1865–1892) was admitted to Osgoode Hall as a student-at-law in Michaelmas Term in 1888. Sadly, he became ill and died at the early age of 27 before he could graduate. He left a portion of his estate to establish a student library at Osgoode Hall, which later became the largest law library in Canada.

The Thomas Brown Phillips Stewart Society was created to commemorate Thomas Brown Phillips Stewart as Osgoode’s first benefactor and to honour all those who, like this generous young man, made Osgoode Hall Law School a part of their legacy through a planned gift.

Membership in the Society is offered to those alumni and friends who wish to donate to Osgoode by means of a planned gift including charitable bequests, life insurance or other future arrangements. All members will be recognized annually in the Osgoode Hall Law School Report on Giving.

We would be pleased to discuss with donors and their advisors, the many areas within the Law School where bequests can be directed. We do appreciate the opportunity to review the terms of a Will (especially for specific bequests) before they are finalized, so we can confirm our ability to accept and fulfill the gift’s intent.

For more information, please contact Anita Herrmann, Director, External Relations & Communications Office at 416-736-5364 or aherrmann@osgoode.yorku.ca.

CALL FOR NOMINATIONS
2017 Alumni Gold Key Awards

The Gold Key Awards honour the outstanding achievements and contributions of Osgoode alumni in the following categories:

Achievement
Recognizes exceptional professional achievement

Public Sector
Recognizes outstanding service of public sector or government lawyer

Service
Recognizes significant contributions to Osgoode and/or the Alumni Association

One-to-Watch
A recent graduate who demonstrates the promise of future leadership

Dianne Martin Medal for Social Justice through Law

Created in memory of Professor Dianne Martin ’76, this medal is awarded to a member of the Canadian legal community who has exemplified Dianne’s commitment to law as an instrument for achieving social justice and fairness.

Deadline for receipt of nominations is April 1, 2017

Recipients will be presented with the award at the Dean’s Annual Alumni Reception on May 17, 2017.

For more information or to submit a nomination, please go to
www.osgoode.yorku.ca/alumni or contact Anita Herrmann, Director, External Relations & Communications Office

2016 AWARD RECIPIENTS

DIANNE MARTIN MEDAL
Marilou McPhedran ’76, ’04 (LLM)

SERVICE
Andrea Marglies ’77

PUBLIC SECTOR
Mary Ellen Bench ’84

ACHIEVEMENT
Constance Backhouse ’75

ACHIEVEMENT
Dale Lastman ’82

ONE-TO-WATCH
Jonathan Davey ’08

ONE-TO-WATCH
Konata Lake ’08

Not shown: Mentor of the Year, Brent Arnold, ’05

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