Portray of a Mature Student: Myth vs Reality

A Report by The Honourable Madam Justice Sandra Chapnik ’76 of the Superior Court of Justice for Ontario
THE OSGOODE ALUMNI ASSOCIATION wants to know where you are and what you are doing. Share with the Osgoode community your milestone events such as weddings, births, promotions and awards. We’ll be sure to include you in the next edition of Continuum’s Class Notes. Use the attached response card or e-mail us at ozalumni@yorku.ca.

We look forward to hearing from you!
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“Good to hear from you. Glad you are O.K.”

MY IMMEDIATE reaction to the terrorist attacks of September 11 was to worry about my son (a physicist, not a lawyer), who lives with his wife in lower Manhattan. We managed to communicate before the day was out and discovered that all was well. Then I started to worry about our alumni who are working in Manhattan. A quick search of our records (which of course are never accurate or complete) provided a measure of relief: No one was reporting a World Trade Center address (or a Pentagon address).

I sent an e-mail message from the Osgoode Hall Law School to our US-based alumni, offering our sympathy to the families and friends of the victims of the terrorist attacks. We said we were thinking of our alumni, hoped they were safe, and were eager to know their whereabouts. We also posted the message on the Osgoode Web site.

This was a rather trivial gesture to people with a lot of things on their minds. But to my surprise and pleasure we got a big response from alumni in New York and Washington, as well as other parts of the United States. I replied to everyone and I have lost track of the times I wrote “Good to hear from you. Glad you are O.K.” It turned out that all of our alumni were fine, but many knew people who were not so lucky. “Everywhere you go, someone you know was hurt or died,” wrote one alumnus from New York. “The feeling here is very disheartening. We are moving forward and agree with our Mayor that the healing will come faster the quicker we resume our normal lives.”

Declared another alumnus: “There is a great sense of foreboding about what the future holds, a very sombre mood.” What came across in all the messages was a sincere appreciation for the Law School’s concern. People were pleased to hear from us. It reinforced my belief that the Law School must do a better job of reaching out to its alumni all over the world, and not just in times of crisis.

As you leaf through this magazine, you will see that we are making progress in improving our alumni relations. We have reorganized the Alumni office into an Advancement office, headed by an Assistant Dean (Advancement) with an expanded staff responsible for alumni affairs and communications (as well as fund raising). We have adopted a new constitution for the Alumni Association with a much broader set of activities and with provision for the creation of chapters in cities outside Toronto. And on September 29 we celebrated our first Osgoode Homecoming, which was very successful, and which we will do annually from now on.

Comments or questions about the Law School? Dean Hogg is always pleased to hear from you. Write to him at the Law School, or e-mail him at lawdean@yorku.ca, or phone him at (416) 736-5199.

Convocation

Excerpts from the Convocation address of Madam Justice Claire L’Heureux-Dubé of the Supreme Court of Canada to the Osgoode Class of 2001:

“I HAVE entitled this address Equality, Empathy, and the Three Concentric Circles of a Good Life in the Law and I will now explain what I mean, letting you draw the visual aid in your minds. In short, I believe that formal equality without empathy, and empathy without true equality, are both incomplete and impoverished social conditions...If equality and empathy do not work together in complementary fashion, the corrosive effects of elitism will quickly be felt...In this sense, equality is the conscience of our law.

You will face the challenge of realizing the values of equality and empathy in your daily lives. There are three spheres in which you should all aspire to be active, hence my metaphor of concentric circles. The first is the most personal: your families and careers. Here I emphasize the importance of treating those with whom you interact every day with equal consideration and empathy...

The second concentric circle vital to a good life in the law is that of your immediate community. Two words resonate here: pro bono, for the good...Give generously to those in need; your sharp minds can make a world of difference in quality of life, especially for the many who consider laws to be oppressive because they are inaccessible...

The last of my circles is the largest and represents the international dimension of contemporary legal careers...Your graduation into the ranks of Canadian lawyers should not blinker your vision of law as a force for justice around the world; rather, it should empower you to be activists for reform beyond our borders as well as at home...

Stay true to the values of equality and empathy and to those principles of justice that have guided your moral compasses. As my life in the law is coming to a close, yours are wide open to your dreams, aspirations and realizations. Never be afraid of fighting the ‘isms’: racism, sexism and the pernicious rest, all fountainheads of discrimination and harassment. They have no place in this era of human rights, in a world where each and every individual has the right to be treated with the same respect and consideration. This will be your battle of the millennium and you have to win it because you represent our most glorious hope that in Canada and abroad justice for all will prevail.”
AS YOUR new Alumni Association President, it is my pleasure to extend a warm greeting to fellow alumni, and provide an overview of the Association’s plans for the coming year.

But first, I want to express our appreciation to Past President Linda Fuerst; Past Chair, Justice Archie Campbell; and former Board members Sheila Cann, Professor Emeritus R. J. Gray, Ron Manes, Elizabeth McGuiness, Shawna Miller, Cindy Nathan and Hartley Nathan.

Their affection for Osgoode and commitment to the Osgoode Alumni Association has strengthened the links between the Law School and its graduates. It is in large measure due to their efforts that the Alumni Association is represented in all Canadian provinces; our mentor program, which matches first-year students with senior members of the Bar and Bench, is flourishing; and class reunions are growing in number.

The goals of the 2001-02 Alumni Association Board, which is composed of more than 30 alumni, faculty and staff, are equally ambitious. We want to extend our outreach to both students and alumni; celebrate the achievements of alumni; mobilize alumni leadership; enhance communications; and encourage more involvement between alumni and the Law School.

To accomplish these objectives, we are working closely with a superb team of administrators at Osgoode. We have also adopted a new Constitution and struck a number of important committees.

- The Reunion Committee (Chair Nick Paul) will coordinate reunion format and ideas, and assist with fund raising related to reunions.
- The Special Events Committee (Chair Peter Osborne) will plan such events as dinners, receptions or Continuing Legal Education (CLE) programs for alumni.
- The Award of Excellence Committee (Chair Linda Fuerst) will honour well-known and accomplished graduates who have made a significant contribution to the legal profession.
- The Awards Committee (Chair Verlyn Francis) will also celebrate the achievements of Osgoode grads but with a focus on the unsung heroes in the profession or in alternative practice.
- The Chapters Committee (Chair R. J. Gray) will encourage chapter development and activity across the country.
- The Constitution and By-Laws Committee (Chair Sally Hannon) will make sure we follow the rules.
- The Nominations Committee and the AGM Committee (Chair Loretta Merritt) will work with the Advancement team in the area of fund development.

Needless to say, it’s going to be a busy year. But it’s going to be fun, too. So why not get involved with one of our committees? You don’t have to be a Board member to serve on a committee, and I guarantee you’ll enjoy the experience. Please e-mail the Alumni Relations Office at ozalumni@yorku.ca if you’re interested in volunteering, and we’ll be in touch with you.
HE 2001 Falconbridge Professorship in Commercial Law Lecture, Tortious Liability in Corporate Governance, was given by Warren Grover, Q.C., partner emeritus at Blake, Cassels & Graydon LLP and Osgoode’s current Falconbridge Professor in Commercial Law.

The Falconbridge Professorship in Commercial Law and its associated public lecture is an endowed position commemorating the legacy of John D. Falconbridge, who graduated from Osgoode in 1899, served as dean from 1927 to 1947 and was the country’s leading commercial law scholar. Professor Grover is a graduate of the University of Toronto (BASc, LLB) and the University of California at Berkeley (LLM). He practised at Blake, Cassels & Graydon, before becoming a full-time Osgoode faculty member, in 1969. He returned to the firm in 1977 and continued teaching at Osgoode part-time. The editor of The Canadian Corporation Manual and The Ontario Corporation Manual, he recently developed Osgoode’s unique Intensive Program in Business Law.

Speaking at the School’s Professional Development Centre in downtown Toronto, Grover began the lecture by noting that the thrust of corporate governance reform in Canada over the last decade has been “to encourage the directors to take a more active role within the corporation and to report to the shareholders on their efforts.”

Consequently, he said, courts and regulators now clearly believe that the “objective of good corporate governance is to promote strong, viable and competitive corporations with boards of directors viewed as stewards of shareholders’ assets.” As a result, directors’ obligations have been widening steadily, particularly in the scope of the care and diligence with which they must exercise their duties, and Grover is not at all happy with the consequences so far and what he sees as the likely results of future reform.

Equitable Life Assurance Society

To illustrate the possible consequences of the current redefinition of directors’ obligations, Grover devoted a large part of his Falconbridge Lecture to the Equitable Life Assurance Society, a UK company, which was formed in 1762 and “largely destroyed” in 2000 by an “irrational” decision of the House of Lords. In 1994, to offset variations in interest and inflation rates, the society had begun paying different bonuses to the holders of different kinds of annuities. Previously, all bonuses had been equal.

The board argued, and lower courts agreed, that the society’s articles gave it complete discretion in the matter. The Lords, however, ruled that every annuity holder must be treated equally. The cost of doing so was £1.5 billion, and the society is now a shell of its former self, with a new board.

“And, of course,” Grover added, “lawyers are examining whether there are grounds for making claims against the former directors, management and advisors or others and, if so, whether there is any prospect of redress.”

Other issues covered in his lecture included the proposed new standards for disclosure by securities analysts, about which he said, “I have serious reservations about the efficacy of mandatory disclosure. Obviously it can’t hurt in theory, although in practice it may work to make the vital messages less transparent and less valuable to an investor. Obfuscation may have been the hallmark of full, true and plain disclosure, especially prospectus disclosure which is so full that nobody reads the prospectus unless seeking damages.”

Canadian Securities Administrators’ Proposal

Commenting on the Canadian Securities Administrators’ proposal to allow secondary market investors to sue public companies and their directors and officers for misrepresentation and disclosure failures, Grover asked who would benefit from launching such a suit. “Certainly a small investor will not try to mount one. The likely plaintiffs would either be institutional investors or plaintiffs in a class action.”

But, he added, institutional investors should have to prove that, with all their in-house analysts, they actually relied on the issuer’s disclosure. But the proposals “deem” the institutions to have relied on the disclosure made by the issuer. Moreover a class action would not be pursued by a throng of small investors. Most of their claims would be traded away or bought by vulture funds.

As for who might actually pay such damages, Grover said, “I suggest that the jurisprudence, permissible indemnification and insurance coverage has made the spectre of holding a director liable for monetary damages so remote that it is more of a theoretical problem than a reality.”

Thus, Grover concluded his lecture, “As the issuer has received no benefit (from sales of the stock in the secondary market), the burden will fall directly on the remaining shareholders. I think that is most unwise.”

For the complete text of the Falconbridge Professorship in Commercial Law Lecture, please visit the Web at www.yorku.ca/osgoode/falconbridge.
THREE OSGOODE ALUMNI RECEIVE LAW SOCIETY MEDALS

HE LAW Society of Upper Canada has conferred the Law Society Medal (LSM) on five recipients – including three Osgoode alumni – for their outstanding contributions to the legal profession. The Honourable Allan F. Lawrence, PC, Q.C., LSM, of Cobourg, graduated from Osgoode in 1954; Janet E. Stewart, Q.C., LSM, of London, graduated in 1967; and Brian Bucknall, LSM, of Toronto, graduated in 1968.

The other two medal recipients are Stewart Elgie, LSM, of Toronto and Professor M.H. Ogilvie, LSM, of Ottawa.

“The Law Society Medal is the way in which the profession shows its respect and admiration for members who have given outstanding professional service,” Law Society Treasurer Robert Armstrong said in presenting the medals at a ceremony at Osgoode Hall in Toronto last June. “What’s behind these medals are the many individuals whose lives have been enhanced by the dedication of each of these recipients.”

Since the medal was struck in 1985, 74 lawyers have received the award, which is usually granted on an annual basis. The 2001 medal recipients distinguished themselves in a number of fields from academia to community service, to volunteer work for the artistic and charitable fields.

“IT’S THE JOURNEY, NOT THE DESTINATION”

THE CLASS of 2004 celebrated their first week at Osgoode with parties, boat cruises, baseball games and a roadtrip theme complete with highway signs saying “Route 04” and the motto, “It’s the journey, not the destination.” Justice Rosalie Abella of the Ontario Court of Appeal gave an inspiring welcome address to the incoming class of 290 students on September 4. Later the same day, a reception was held at Osgoode Hall in downtown Toronto with Dean Peter Hogg and three Osgoode alumni – Chief Justice Roy McMurtry of the Ontario Court of Appeal, Chief Justice Patrick LeSage of the Superior Court of Justice, and Madam Justice Sandra Chapnik of the Superior Court of Justice – bringing greetings and best wishes to the students. Alumni Association Board member Andrew Evangelista also invited the students to participate in the Mentor Program and connect with alumni.

Brother and Sister Team

LLB/MBA student Rafal Nowak, President of Osgoode’s Legal and Literary Society, and his sister, Karina, an LLB student, will both graduate in 2002.

FIRST-YEAR MOOTING VICTORIES

THE OSGOODE Hall Mooting Society’s First-Year Goodman & Carr Mooting Team and Osgoode’s First-Year International Law Moot Team were big winners in 2001.

On March 24, 20 first-year Osgoode mooters defeated first-year University of Toronto mooters, returning the Goodman & Carr Cup to Osgoode and capturing awards for First Place Team, Second Place Team, and Top Oralist. Special kudos go to the First Place Team (Julia Herzog and Rachel Friedman) and Top Oralist (Lisa Bonin).

Congratulations also to members of Osgoode’s First-Year International Law Moot Team who won the Fasken Moot, hosted by Fasken Martineau DuMoulin LLP. Battling students from Cornell, SUNY, Syracuse, Queen’s and U of T, Team Osgoode emerged victorious and was awarded the coveted First Place Team honour for achieving the highest overall score. In addition, two members of Team Osgoode, Amanda Blitz and Andrea Prasow, placed first and second respectively, and were recognized as Distinguished Orals for their outstanding advocacy.
Osgoode Alumni
Remember When

By Virginia Corner • Photos John Dawson
t was a sunny Saturday in late September, a perfect day for Osgoode’s first Homecoming.

Alumni started arriving at the Law School at about 10:30 a.m. Thirty minutes later, when social commentator and editorial journalist Rex Murphy stood up to deliver what proved to be a superb presentation on the value of the law, the Moot Court was full.

From Edra “Ma” Ferguson ’30 and Vancouver law firm partners George Cadman ’76 and Gord Fulton ’76 to more recent graduates such as John Cooney ’96 and Mena Falcone Johnstone ’90, everyone was there to “remember when.”

“It was the first Homecoming notice I’d ever received,” said Falcone Johnstone. “It made me feel kind of sentimental, and I decided to come and bring the family (husband, Doug, and their four-month-old son, David) to share the occasion.”

In her welcoming remarks, Justice Sandra Chapnik ’76, President of the Alumni Association, said it was time alumni “knocked on the door of Osgoode – the Osgoode we know best. After all, for better or worse, this was our home away from home for three long years. Counting the library, and the stacks, we certainly spent more time here in those years than anywhere else.”

Last year, Chapnik returned to Osgoode for seven months as Judge-in-Residence and conducted a study of the School’s mature student program. “I can tell you truthfully, nothing much has changed,” she told about 200 fellow alumni. “There’s the same paranoia, stress, onerous workload, the same struggle to learn a new language, then the satisfaction that comes with learning, significant changes in lifestyle and a new career.”

Keynote speaker Rex Murphy, host of CBC Radio’s weekly phone-in show Cross Country Checkup, had nothing but praise for the law, describing it variously as “a profound humanistic experience” … “one of the master ideas of our time” … “a thing that makes possible the idea of social.”

Alluding to Sept. 11 and the “tyranny of mere will” that fuelled the terrorist attacks in New York and Washington, Murphy said the law is “the thing that divides us from our willfulness.” It is there to protect and to enhance, and it goes to the possibility that “human beings can blossom to their ultimate degree.”

Drawing on English history and poetry to illustrate Murphy, Rex eschewed the “flippancy” that characterized our times prior to Sept. 11. He called on the world’s citizenry to go beyond the giddy, the flippant, the light, and pursue “values that are deeper.”

Following Murphy’s address, Dean Peter Hogg talked about the Law School’s vision and goals, and paid tribute to all of the volunteers – adjunct faculty members, mentors, the Board of Directors of the Alumni Association, and reunion committees – for their “gift of time and effort.”

He proposed a toast to this year’s Reunion Classes of ’71, ’76, ’81, ’91 and ’96, and was presented with a cheque for $50,000 from the Class of ’76 by representatives Bonnie Tough and Peter Israel. Later in the evening, Hogg went around to all of the reunion parties to visit alumni.

One of the highlights of Homecoming 2001 festivities at the Law School was the “Celebrity” Barbecue where Hogg and other Osgoode VIPs donned aprons, barbecued hamburgers and hot dogs, and mingled with the crowd of former students and their families.

“We had a great time,” said Cindy Watson ’86, who was there with her three children, Chase, Dakota and Jade. They played at the day care centre while their mother attended the morning sessions.

The day ended with the first Annual General Meeting (AGM) of the Osgoode Hall Law School Alumni Association where members voted on association by-laws and a slate of candidates for the Board of Directors.

New Alumni Association Chair Tom Bastedo wasted no time in beautifully summing up the significance of Osgoode’s first Homecoming and its first AGM: “Today is a milestone in the development of a partnership between the Law School and its graduates.”

Mark your calendar now for Osgoode’s Second Annual Homecoming on September 28, 2002. The keynote speaker will be Madam Justice Louise Arbour of the Supreme Court of Canada.

1. Gord Fulton ’76 and his wife, Shelagh, and Andrew Roman ’71
2. The Jeff Graville Trio
3. Edra “Ma” Ferguson ’30
4. Cathy Vautour ’02 and Rex Murphy
5. Kirsten Cooney, John Cooney ’96, Dave Raitt ’96 with son, John Colin, and Lisa Raitt ’96
6. Bonnie Tough ’76, Peter Israel ’76, Sandra Chapnik ’76, Dean Peter Hogg
7. Patrick Smith ’99, Robert Langdon ’58
8. Mena Falcone Johnstone ’90 with her husband, Doug, and their son, David
9. Professor Emeritus Balfour Halévy and retired Registrar Louella Sturdy
10. Cindy Watson ’86 and her children, Chase, Dakota and Jade
11. Barbecue in the square
RACKING UP VICTORIES FOR
R HIMSELF AND THE DEAF

By Patricia Chisholm ’80
Photo Susan King

...t a time in their lives when most professionals have landed their first solid job and are beginning to settle into their chosen career path, Scott Simser ‘97 was asking himself where he had gone wrong. Although he has been virtually deaf since birth, by his mid-twenties he had acquired an MBA and an accounting degree. A proficient speaker and lip reader, the Ottawa-born Simser found a position in Toronto in 1992 with the Ontario Government as a member of a fiscal planning team.

At first, all seemed well. His colleagues, he says, accepted him, liked him and were more than willing to help. But therein lay a seemingly intractable problem. It was a job that required a lot of teamwork, Simser, now 36, recalls. There were a lot of meetings; a lot of issues that required consulting with others. In their eagerness to help—and perhaps because of lack of faith in Simser’s abilities to communicate—his co-workers too often assumed that he would prefer it if others stepped in and did his listening and speaking for him. That was not the case, but in spite of his and his manager’s efforts to halt the trend, Simser found that he was being increasingly marginalized. “I didn’t know what to do—I was desperate,” he says, grimacing a little at the memory.

Simser concluded he needed a profession that would give him a great deal more say over his working environment—so he decided to become a lawyer. At first, such a choice might seem counter-intuitive. After all, few professions rely as heavily on the constant manipulation and communication of complex, highly technical language. But having grown up with a father who maintained a flourishing solo legal practice for many years, Simser knew that the law might turn out to be his ticket to professional autonomy. And in many ways, it has.

Now a tax litigator for the Department of Justice in Toronto, Simser has the same control over his files as any of his hearing colleagues with the same experience (he was called to the bar in 1999), including regular appearances before the Tax Court of Canada, responsibility for handling discoveries, meetings, and any other matters that include an oral exchange of information with others.

MANY HURDLES

But there have been many hurdles, and in the course of negotiating the sometimes bumpy road to becoming a deaf lawyer—there are only five practising in all of Canada—he has become a de facto advocate for the deaf. The first barrier presented itself before he even began classes.

Although he had no trouble gaining acceptance to Osgoode in 1993, he ran into a wall when it came to acquiring the assistance he needed to access the lectures. Such assistance, typically referred to as “accommodation,” meant extra funds for either sign language interpreters or real-time captioning—simultaneous typing of speech onto a computer screen by a highly trained technician.

There have only been three deaf students in the Law School’s history, and Simser was the first to request interpreting support. Initially, the School—which was not as familiar with funding possibilities for deaf students as it is today and needed time to determine how Simser’s needs could best be met—refused to provide the $15,000 per year that was required. Simser decided to take his request to the Ontario Human Rights Commission but dropped his complaint within months when he and York University came to an agreement. He began classes a year after his initial acceptance with all the resources requested.

There is currently one student at Osgoode who is deaf. Jennifer Jackson ‘02 participates fully in the life of the Law School including working with the Community and Legal Aid Services Program (CLASP) and the Osgoode Hall Law Journal. She was also the first deaf Osgoode student to go on exchange, attending Keele University in England this past fall.

While at Osgoode, Simser used various combinations of sign language interpreters, real-time captioning, note-takers and lip reading; for half of his time there, he also continued to work part-time at his government job.

“I’m stubborn,” he says matter-of-factly. “If I want to do something, I do it.”

DRIVING FORCE

Since then, Simser has racked up more victories, for himself and for the deaf. A showdown with the Tax Court of Canada in 1998, while Simser was still an articling student, resulted in the court agreeing to pay for the cost of real-time captioning, (about $130 an hour with a minimum three-hour booking required) and sign language interpreters—typically, for brief meetings outside the courtroom. Until then, those expenses had been paid by his employer, the Department of Justice.

He was the moving force behind a current court challenge by ARCH (Advocacy and Resource Centre for Persons with Disabilities) of a burn program for the disabled which he believes is unfairly taxed. And last November, Famous Players theatres agreed to introduce captioning in five of its locations after Simser brought a Human Rights Commission complaint against the chain. “I didn’t see why I should always have to wait for the video version,” Simser says.

Reflecting on what he has achieved, Simser says he never set out to be an advocate for the deaf. Although his mother became a teacher of the deaf after he was born, and gave him extra help learning to speak and read lips, he attended regular public schools and adjusted to a limited social life by pursuing sports and other extra-curricular activities. “I used to think that extra help was a privilege, not a right,” he says. “There was a sense that you could not impose, that because you were deaf, you came last, and that you should just shut up.”

But over time, Simser says his sense of frustration, as well as his exposure to the law, changed his attitude. “I’ve worked hard to earn degrees that would allow me to support myself,” he says.

“I just decided that I’m not going to let anyone treat me as if I’m not capable.” Now, Simser adds, he no longer has to experience frustration before he decides to act on behalf of the deaf. “I’m more analytical now.”

Married, with a two-year-old son, Simser says his ultimate goal is to have his own practice. “I could make a living helping deaf clients. I have to take control of my own career.” Many might think that Simser has already succeeded admirably in that goal.
T WAS JUST AFTER 5 P.M. ON OCT. 30, 2000 AT THE Hamilton Police station. Two Osgoode Hall Law School students had spent the day examining papers from an unsolved-murder file closed for 30 years.

“It was clear everyone was getting tired,” remembers Colleen Robertshaw who graduated from Osgoode in 2001 and is now articling at Blake Cassels & Graydon LLP. But the former court reporter and Crown attorney’s office case manager stayed put. She’d scrupulously catalogued the file contents and taken notes since morning. “Being me, I just wanted to get to the back of the file.” Dean Ring, her student partner who will graduate in 2002, was out of his chair chitchatting with clients and the police officer in charge. Then she stumbled upon a memo that would change their clients’ lives.

Robertshaw and Ring had been assigned to the Gary Staples case as part of Osgoode’s Innocence Project. They were looking for evidence that Staples might have been wrongfully accused in the 1969 murder of Hamilton taxi-cab driver Gerald Burke.

Police don’t normally open files, but the chief acquiesced this time because Robertshaw and Ring represented the murdered man’s sons, who wanted to know who really shot their father. The two law students were also, unusually, representing Gary Staples, who wanted to clear his name.

Staples had contacted Osgoode when he heard of the Innocence Project in 1997, its first year. High-profile cases of wrongful convictions – Guy Paul Morin, Donald Marshall, David Milgaard — were making headlines. Staples, too, had been convicted of a murder he said he didn’t commit. Found guilty and jailed, he was acquitted and released after a second trial 22 months later. And the Crown dropped its plan to appeal the acquittal, without explanation. Despite his acquittal, Staples was shunned for the next 30 years in Dunnville, where he returned to live and work. Could the Innocence Project help exonerate him?

THE MEMO

WHILE STAFF was preparing to go home at the end of the day, Oct. 30, 2000, at Hamilton Police station, Robertshaw was staring in disbelief at a memo she’d discovered. Her hands were shaking. “I knew what I was reading and I knew what I was seeing.” She signalled to Dean to keep chatting, buy time. Denied access to the photocopier, Robertshaw transcribed the memo’s contents onto paper as fast as she could. “You can see my handwriting, see where the pen is pushing so hard it went through the page.”

The internal memo reveals that the two investigating officers suppressed witness statements from the Salisburys, a couple who had seen three men flee the murder scene. They told their superior that the Salisburys’ accounts were inconsistent with that of a key Crown witness, would confuse the jury and lead to Staples’ acquittal. They didn’t want to put the matter down on paper and expressed their irritation in the title, “Damned Salisburys.”
“I was absolutely stunned at finding that stuff even though we kind of knew it was out there,” said Robertshaw. They knew, for instance, that defence lawyer Arthur Maloney had asked the police about other witnesses.
The officers “never thought the memo would surface,” Robertshaw said. “They were right. It didn’t surface for 30 years.”

THE SUIT

AT A press conference June 5, 2001 in Hamilton, Sean Dewart, lawyer for Staples and the victim’s two sons, revealed the new and incriminating evidence. On the strength of the memo, he told reporters, his clients were demanding a thorough investigation by the Police Services Board and a declaration of Staples’ innocence. Staples was launching a $6.1 million lawsuit against the Hamilton Police for negligence, malicious prosecution, misfeasance in public office, conspiracy and assault and battery, and damages.

What a triumph for Osgoode Law School’s Innocence Project. It looked deceptively easy.
Robertshaw and Ring had spent a mere day rifling through police files. But finding that damning piece of evidence was invested with hours of clinical research – re-interviewing clients and witnesses, re-investigating evidence, performing media searches – by many students over a couple of years.

“The theme of wrongful conviction takes years to do and takes team effort,” says Ring. He became involved in the project in his second year, Robertshaw in her third.

HOLISTIC APPROACH

LAW PROFESSORS Dianne Martin and Alan Young created Osgoode’s Innocence Project in 1997. They were inspired by New York City’s Cardozo School of Law, which established the first – and widely copied — Innocence Project in 1992.
There is a difference between Cardozo’s and Osgoode’s approach. Cardozo conducts DNA tests on inmates convicted of rape and murder who maintain their innocence and want a chance to prove it. Osgoode looks beyond DNA testing to examine other causes of wrongful conviction, Young told the Gazette in 1997.

Our approach is holistic,” says Ring. Law students examine eyewitness evidence for possible false confessions and police misconduct, among other things.
At Osgoode, the 10 students who register for the Innocence Project every year have been working on several cases, including that of the controversial Leonard Peltier.
For 25 years, the American native has protested his innocence in the shooting deaths of two FBI agents at Pine Ridge reservation in North Dakota in 1975. York students discovered testimony that established FBI fraud in the application to extradite Peltier from Canada where he had fled after the incident. The new testimony resulted in a hearing last year in Toronto. Though this new testimony also “played an important role in Leonard Peltier’s bid for clemency from President Clinton,” says Paul Burstein, project co-director this year, Peltier remains in jail.

VICTORY

THE STAPLES case was a victory for the Innocence Project. Staples was vindicated. He

continued on page17
IN EARLY 1970, THE LAW SOCIETY OF UPPER Canada established a Special Committee on Legal Education under the chairmanship of B.J. MacKinnon, Q.C. The MacKinnon Report recommended that the country’s law schools “waive the normal requirements and admit those mature students who, on the basis of age, experience, maturity and outstanding qualities . . . merit an opportunity to study law.”

Osgoode’s Faculty Council wholeheartedly agreed and the first group of mature students — Sandra Chapnik included — was admitted in September 1973.

Council obviously knew a good thing when they saw it, because surprisingly little has changed over the years in the way of admissions policies, entrance criteria and programming. Nor, discovered Chapnik, has the experience of studying law as a mature student become any less challenging than it was three decades earlier.

In 1974, Harry LaForme, an Aboriginal, had the dreadful feeling in first year that he didn’t belong in law school. Forty-six-year-old Detective Sergeant George Cowley ’98 took an unpaid leave of absence to attend Osgoode in 1995. He figures the decision cost him $200,000 in pay cuts and lost salary. And the story of challenge and sacrifice is much the same for Julia Herzog, a current, second-year student who has concerns about the ramifications of her busy schedule on her children, yet sees the benefits of being a positive role model for their future aspirations.

Indeed, a growing number of today’s 99 mature students are taxed by the unrelenting demands of school, family and work. There are the emotional and financial repercussions of putting on hold or downgrading career responsibilities, while faced with day-to-day living expenses and a mounting debt load. And, declare LaForme, Cowley and Herzog, never underestimate the major adjustment to law school culture.

OSGOODE’S FIRST MATURE STUDENT RETROSPECTIVE

IT WAS THESE SAME CONCERNS THAT PROMPTED The Honourable Madam Justice Sandra Chapnik, Judge-in-Residence at Osgoode between September 1, 2000 and April 1, 2001, to conduct a review of Osgoode’s mature student program and adult learners.

Chapnik polled 1,140 former and present adult learners at Osgoode during a seven-month leave of absence from her judicial duties. Questionnaire responses were compiled from 440 or 39 per cent of those contacted from across Canada and as far afield as Fiji, Australia, Hong Kong and England. She also completed interviews with 34 mature graduates, three mature current students, several Osgoode professors, members of the Admissions Committee of Osgoode’s Faculty Council and some younger, traditional law school students.

The result is a comprehensive report that includes both quantitative and qualitative data, as well as recommendations to help improve the learning and working environment for mature students.

By Christine Ward  Photos Nik Sarros
“IT IS THE STUDENTS WHO SPEAK IN THIS REPORT. They tell us about themselves and about their experiences. They take us on an intriguing journey, helping to pave the way for others yet to come.”

The Honourable Madam Justice Sandra Chapnik
Continuum 2002

Among Chapnik’s key findings are:

• an increase in the average age of Osgoode’s mature students, with women tending to start older, with children and facing more personal difficulties than men, who are more likely to hold a graduate or professional degree

• a positive relationship between age and the educational experience, although it has little impact on employment, or the rate of personal difficulties or school-related problems

• a greater incidence of personal difficulties and school-related problems among more recent graduates

• more personal challenges and higher levels of satisfaction about the Osgoode experience relative to regular, adult students

• an increasing tendency for men and younger students to hold outside work, and

• a tendency for a majority of mature student graduates to secure articling positions and, ultimately, employment as lawyers in small firms.

The Journey Has Just Begun

While the findings confirm an overwhelming majority of adult learners are able to meet the personal and work-related challenges that make law school a satisfying experience, Chapnik believes it is time to reassess the goals, criteria and policies underlying Osgoode’s mature student program.

Chief among her recommendations is the appointment of a faculty member or new staff member to formally assist adult learners in coping with academic and personal challenges. The existing evaluation process must be reassessed, she says, to include new and creative evaluative methodologies designed to measure the adult learner’s wealth of experience. And “a part-time LLB program will go a long way toward increasing access for those whose economic and social circumstances make full-time study difficult or impossible.”

This, along with the pressing need for improved collection and storage of data relevant to Osgoode’s adult learners.

Chapnik: “The phenomenon of the adult learner in a professional environment is a matter worthy of further consideration and study. As more and more older people return to school, the portrait of the mature student will gain in importance.”

Dean Peter Hogg agrees. Although still in the early stages of review, Chapnik’s findings and recommendations are already garnering the careful consideration of the Dean and Law School community.

Even without the proposed changes, it is apparent Osgoode’s mature student program — as it has endured for more than 25 years — is thriving. Despite the criticisms, emphasizes Chapnik, study respondents overwhelmingly described a privileged and enlightening journey that was well worth the effort and important to share for the benefit of future students.

These include a very determined Hugh Campbell, who graduated and worked as a successful Crown Attorney for many years before being appointed to the Ontario Court of Justice in 1994.

Now a specialist in internal discipline and prosecution, police detective George Cowley agrees Osgoode was well worth the investment. “I loved law school. I didn’t want to leave. It was one of the reasons why I continued on to do my Master’s.”

And, ultimately it’s the reason Sandra Chapnik agreed to return last year as a researcher, mentor and ambassador for the School that helped to launch her career.

What Is a Mature Student?

Osgoode’s “Mature Students” are defined as those 26 years of age or older upon admission who have been out of full-time education for five years. This group of learners may also gain entry to law school through the traditional process and are thus defined as “regular” students. Both are considered “adult learners” or “mature students” for the purpose of Chapnik’s study.
The decision-making process is a human process. People make mistakes.”

In light of Staples’ suit, will police cooperate with the Innocence Project in the future? They are not required to open their files. “There are police officers who go out of their way to correct wrongful convictions,” says Robertshaw. There are police chiefs who want the truth. “This should be a co-operative effort. It is not a witchhunt against the police.”

VINDICATED

Every since Robertshaw showed the media the words of the “Damned Salisburys” memo, Staples has walked with his head high in Dunnville. Those who believed he had won the appeal in 1972 because he had a slick lawyer who got him off no longer have grounds to doubt his innocence. If Staples wins the lawsuit, he may well be compensated financially for years of humiliation that arose from a wrongful conviction.

He has Robertshaw and Ring and Osgoode’s Innocence Project to thank.


Martha Tancock is a Communications Officer with York University’s Department of Communications. This article was reprinted with permission from the October 24, 2001 edition of the York University Gazette.

REALITY: The entry process is very easy entry into law school. Although academic requirements may be relaxed, many mature students also hold other degrees.

REALITY: Previous careers mean many are computer literate.

REALITY: They typically exhibit a strong determination to succeed and a growing self-confidence in their studies.

REALITY: Work and life experiences form the basis for meaningful contributions.

REALITY: While initial skills may be rusty, mature students learn quickly. Many earn academic honours.

REALITY: Despite mounting obstacles, there seems to be a higher threshold for mature students who seldom ask for extensions.

REALITY: Many successfully balance all aspects of their lives.

REALITY: A growing number actively participate in mootng and advocacy programs, the Osgoode Hall Law Journal, clinics etc.

REALITY: With a strong match for all.

REALITY: The presence, contribution and mentorship of mature students enhance the law school experience for all.

and the murder victim’s sons publicly demanded an investigation and launched lawsuits against the police.

For Robertshaw and Ring, there were also dividends. The Innocence Project had lured both to Osgoode from different corners of the justice system.

Robertshaw had spent four years as a court reporter and live as a case manager for the Crown attorney’s office. “I saw a lot of people convicted who shouldn’t have been convicted.” Aware of the “flaws in the system,” she applied to Osgoode determined to help these wrongfully accused.

“The experience has been very good,” said Robertshaw. It gave her “a taste of the real world” — interviewing clients, talking to real people, writing real papers that would be used in court. “It’s so easy to lose touch with the reasons you went to law school.” The Staples case was a “reaffirmation of my reason to be here.” And “now that I’ve learned what I’ve learned, I do feel I can change the world at least one person at a time.”

Ring had reached a “brick wall” after 15 years as a forensic analyst with the Ontario Provincial Police. The Staples case “brought the law back to a very human level.” Ring had unzipped too many body bags to be anything but detached. But the meeting between Staples and the Burke brothers after the discovery of the memo touched him profoundly. Until then, the Burkes had always believed Staples had killed their father. Faced with the evidence, the Burkes became Staples allies. “There’s stuff of a novel there,” said Ring. He is in his third year at Osgoode.

EXERCISE IN HINDSIGHT

What is the lure of the Innocence Project?

Law students normally study cases where the facts are already settled, says Burstein. Not so with the Innocence Project. In cases of wrongful conviction, there is evidence. Students must try to “determine what the facts are.”

Every year, 10 students “get to analyze a case, a major piece of criminal litigation, looking through the fat end [of a telescope],” says Burstein, a practising criminal lawyer. “It’s a great exercise in hindsight.” Students can see what went wrong, how police investigated and kept files, how the case played out in court. “They get exposure to a lot of things that articling students get exposed to. They get exposed to what a lawyer does.”

The curriculum includes workshops on forensic testing, interrogation, eyewitness identification, circumstantial evidence, professional conduct, confession and informants.

REAL NEED

Osgoode’s Innocence Project operates on non-governmental funding to maintain arm’s length from the justice system it scrutinizes. With as many as 200 viable claims of wrongful conviction in Canada, there is a real need for such a project, argues Burstein. Because no agency and few criminal lawyers have the time and resources to investigate such claims, “we should have one at every law school in Canada.”

In fact, continues Burstein, why train only law students in the art of investigating wrongful convictions? Why not teach journalism and criminology students at schools across the country, too? “Many wrongful convictions have been uncovered by journalists just doing their jobs.”

Such an independent network would be “one very important, very needed additional check and balance on what is otherwise an imperfect human system,” says Burstein. “The decision-making process is a human process. People make mistakes.”
Craig Scott, Associate Dean (Research and Graduate Studies) “is bursting with new ideas, which he pursues with enthusiasm, energy and a sound strategic sense,” says Dean Peter Hogg.

JUGGLING THE JOB OF ASSOCIATE DEAN (Research and Graduate Studies) with teaching, research and personal life is a 24-hour-a-day responsibility. Literally. My first phone call to Osgoode’s newest administrator captured a softly spoken Craig Scott on barely three hours’ sleep. “I was up writing the proposal for a book I’m working on with George Stephanopoulos,” he explained.

That and strategizing about future research directions, building meaningful links between graduate students and scholars, forging multi-disciplinary programs with other York divisions, expanding Osgoode’s international curricula and institutional relations, and continuing his own research into international human rights, issues of international peace and security, and transnational corporate regulation.

Less than six months after stepping into the newly created position and just one year after joining the Law School, Associate Dean Scott is charting an ambitious course for research and graduate studies at Osgoode.

Craig Scott will tell you it took the best to lure him away from the University of Toronto Faculty of Law, where he worked for the past 11 years.

“No other school in Canada and probably very few in the world can compare to Osgoode’s leadership in interdisciplinary and critical approaches to studying the law – with all this accomplished in an open environment that encourages healthy debate and dissent without ever descending to partisanship. Our School is full of scholars who are excellent lawyers in the traditional sense, but who also have a variety of theoretical perspectives on law.”

Add the fact that well over half of Osgoode’s faculty members are involved in some aspect of comparative, international or globalization research, and the Oxford (BA Jurisprudence) / Dalhousie (LLB) / University of London (LLM) grad was ripe for the move. He joined Osgoode as Associate Professor in July 2000, following a five-month visit to the European University Institute in Italy.

A year later, in July 2001, Scott was appointed Associate Dean (Research and Graduate Studies), a newly created position billed by Dean Peter Hogg as part of Osgoode’s long-term strategic plan. The portfolio amalgamates work previously completed by Eric Tucker as Graduate Program Director and research grant-seeking processes and international exchange programs put into place by former Dean and former York University President, Harry Arthurs, as Director of Special Projects.

“Craig not only brings to our School a wealth of expertise in public and private international law,” says Dean Hogg, “but he is also bursting with new ideas, which he pursues with enthusiasm, energy and a sound strategic sense.”

Indeed, Scott already has a clear vision of Osgoode’s graduate program and how he’d like to see LLM and DJur studies evolve over the next five years.

“The essence of the Graduate Program, at least the LLM and DJur programs on main campus, is the research mission. Most of our annual intake of 20 to 25 graduate students come here with incredible ambitions for the intellectual inquiries they want to engage in. They want to be a part of the School’s overall enterprise. That’s a feeling I want to build on and enhance.”

“An awful lot of interesting work goes on here, but the profile of the program and of the students themselves remains far below what it should be.”

Scott is the first to admit that real strides have already been taken

By Christine Ward • Photo Nadia Molinari
on this front. “A real deepening of the centrality of the program in the life of the Law School and its research orientation has already occurred under Professor Tucker.” Unlike any other law school in the country, Osgoode formally recognizes graduate student supervision as a form of teaching included in faculty workload allocation. Thirty-seven of Osgoode’s 48 full-time faculty currently supervise at least one Masters or doctoral student each, and a number mentor a handful at a time. And practically every professor assumes responsibility to serve on one or more three-member supervisory committees.

Recognizing the importance of student awards in recruitment efforts, Scott also sees his role as helping to raise the funds that will encourage excellent students to consider Osgoode their first choice for graduate research. In many cases, an offer of generous financial support will mean the difference between a focused, rewarding research experience and possibly years of juggling studies, part-time work and a dwindling bank account.

“Osgoode’s faculty are already steeped in a research ethic.”

Osgoode, together with York University, is already considered one of Canada’s most generous student supporters. More than $400,000 in annual funding is currently available to the 80 graduate students in the program at any one time. This fact was highlighted by former McGill Faculty of Law Dean Roderick Macdonald, who was one of the consultants asked this past year by the Ontario Council of Graduate Studies (OCGS) to review Osgoode’s graduate programs. However, as also noted by Macdonald in his report to OCGS, there remains a general need for enhanced financial support in order to attract the very best students and a particular need for named scholarships for non-Ontario and foreign graduate students. Scott would also like to see a generic fund available to graduate students for conference travel, funding the annual Osgoode Graduate Law Students’ Conference (which attracts students from across the country), travel to do field research and to assist students in polishing work that is ripe for publication.

Where he doesn’t have to spend time is in promoting the value of research among faculty. When it comes to quantity and quality of legal publications, Osgoode is second to none in Canada, he observes.

“My job,” says Scott “is to piggyback on the energy and initiative that is already there and help make each individual’s research agenda more successful by targeting the right foundations and granting agencies.” He’ll do this by fine-tuning the formal structure for grant applications established by Harry Arthurs during his tenure as Director of Special Projects from 1999 to 2001. He also sees a crucial aspect of his job being to help the Dean’s office enhance general recognition of Osgoode’s remarkable contributions to scholarship as well as policy and law reform debate.

The greater challenge is to extend that same ethic to Osgoode’s 870 undergraduate students, to help broaden and deepen the LLB research culture. While a strong intellectual excitement exists among a growing number of LLB students, Scott believes additional development is required to result in a critical mass of students who choose Osgoode because they’re engaged by outstanding research opportunities.

Just this past year, the School added a new requirement for a major research paper in the upper-year LLB program. This fall, Scott helped to build on this new signal of the importance of LLB research skills by pioneering a series of Collaborative Research Teams (known as CRT’s) linked to the International Comparative and Transnational (ICT) Law Program. Along with the Program in Litigation, Dispute Resolution and the Administration of Justice (the LDA Program) and the Tax Law Program, the ICT Program is one of three new LLB curricular streams launched in 2001 at Osgoode. Scott is preparing to teach the first iteration of the foundation course for the ICT Program, Globalization and the Law, which is designed to be taken in the first year of the LLB program as a contextual primer for the upper-year ICT “pillar” courses of Public International Law, Conflict of Laws, and Comparative Law.

Each of the ICT Program’s CRT teams involves three undergraduate students working with a faculty member and a global partner organization. Together, each CRT investigates cutting-edge policy and law reform issues, such as the development of a global health security tax; the relationship between patent law and research and development of drugs for neglected diseases; or principles governing humanitarianism and military intervention. All three of the just-mentioned topics are being run in partnership with Dr. James Orbinski, past President of Médecins Sans Frontières. A graduate student (Australian doctoral candidate David Yarrow) receives a York Graduate Assistantship to coordinate the CRT’s in conjunction with Scott, an example of the synergies Scott hopes to create between the research and graduate studies sides of his portfolio.

Another development designed to encourage cosmopolitan thinking is the Internet-based course on international and comparative human rights law launched by Scott this past winter. The course, called Law, the Individual and the Community: A Cross-Cultural Dialogue, involves Osgoode LLB students and law school classes in Finland (the Institute for Human Rights at Abo Akademi University in Turku) and at the Faculty of Law of the University of Hong Kong. Students interact through conferencing software over an eight-week period, reading eight modules of common materials and debating a wide range of issues from the death penalty to homosexuality and freedom of expression.

The Internet and other communications technology are a key part of Scott’s vision for Osgoode’s international presence, although, admittedly, comprehensive integration within the full-time program is still several years down the road. For now, distance education remains the domain of the part-time Master of Laws (LLM) degree program. “When the time is right,” says Scott, “we’ll have much to learn from the Professional Development Program.”

Scott notes the leadership of Professor Emeritus Simon Fodden, who heads up Osgoode’s new Legal Education Technology Centre, will be crucial. Fodden and Scott are already at work on the IT dimensions of Osgoode’s just-cemented partnership with the 26-university Association of Jesuit Universities of Latin America (AUSJAL), which is launching an ambitious regional Human Rights Diploma program in collaboration with the renowned Inter-American Institute of Human Rights in Costa Rica.

In the midst of all this, Scott still makes time for his own research interests in comparative constitutional law, international human rights (with a special focus on social and economic rights), international peace and security, and transnational legal process. His latest book, Torture as Tort: Comparative Perspectives on the Development of Transnational Human Rights Litigation, was published this spring, and another — the very one responsible for the sleep deprivation — is at the proposal stage.

Tentatively entitled The Ethics of Response: From Dialogue to Destruction in the Wake of September 11, the book is a joint effort by Scott, Osgoode Professor Leslie Green and George Stephanopoulos, former senior advisor to U.S. President Bill Clinton and a top political analyst for ABC News. It will feature a cross-section of short, insightful pieces by leading public intellectuals on how the US and the rest of the world should respond not only to the September terrorist attacks but also to the emergent phenomenon of efficient globalization terrorism that will, in all likelihood, lead to other serious attacks in the years to come.

On the other end of the phone, Craig pauses and apologizes. “I’m afraid I’m not especially coherent this morning. There’s so much more to tell you.”

“We’re obviously well placed to ‘go global’ in the sense of infrastructure and experience.”
JANET MOSHER

After 12 years of teaching in the Faculties of Law and Social Work at the University of Toronto, Janet Mosher left U of T for Osgoode. But not before she developed and directed U of T’s highly regarded joint LLB/MSW program, advanced from assistant to associate professor, and amassed an impressive publication record.

What attracted her to Osgoode was the opportunity to serve as academic director of the Intensive Program in Poverty Law at Parkdale Community Legal Services. “Osgoode’s model is unique in that students are actually working in a community legal clinic in a low-income neighbourhood. It’s a remarkable environment in which the clinic itself is committed to legal justice.”

That and the fact that Osgoode already offers significant leadership and expertise in social welfare and justice.

Associate Professor Mosher is in the early stages of a three-year, multi-disciplinary research project funded by the Social Sciences and Humanities Research Council and involving two community groups. Entitled “The Impact of Modern Welfare Reforms on the Safety and Equality of Women Abused in Their Intimate Relationships,” the project will include in-depth interviews with 100 women and 25 front-line welfare workers.

Mosher’s ultimate research goal — to influence positive welfare reforms — is closely tied to her hopes for Osgoode’s students. “It’s important they understand that their role as lawyers includes a responsibility to take issues of social justice seriously.”

OSGOODE WELCOMES THREE FANTASTIC NEW FACULTY

GORDON CHRISTIE

The studies of philosophy and law go hand in hand, says Assistant Professor Gordon Christie. “A modern philosopher really spends most of the time developing reasoning skills, looking at arguments and deciding if they are reasonable or plausible, and constructing new arguments. So, too, does a lawyer.”

Christie should know. Before joining Osgoode in July, he earned a PhD in Philosophy from the University of California at Santa Barbara and an LLB from the University of Victoria - both in 1997. The following year he spent at Osgoode teaching Aboriginal law and, in 2000, he served as a visiting professor specializing in the law of torts, Aboriginal law, and racism and the law.

Now a full-time faculty member, Christie is again teaching torts, racism and Aboriginal law, but his chief interest is in inspiring his students to see the law as something more than rules and tests. “The law is an organism with an internal chemistry and links to the external world. Reflecting on the law ultimately makes better lawyers.”

Christie is doing his own contemplating about the nature of his research. He’s in the early stages of developing a comprehensive study into certain fundamental issues in Aboriginal law.

When not in his office or the classroom, Osgoode’s newest faculty member can be found on the trails around Guelph, training for his next Master’s cross-country competition.

SONIA LAWRENCE

Sonia Lawrence’s “love affair” with Osgoode began at a Valentine’s Day recruitment dinner this past February. The University of Toronto and Yale Law School grad was soon asked to join Osgoode’s faculty team as an assistant professor — a relationship that is already proving to be even more than she hoped.

“Osgoode appealed to me because of its great strengths in constitutional law. I’m very interested in the teaching aspect of my job and I think that the group here has always sought a healthy balance between teaching and scholarship.”

The link between theory and practice has always been an interest for Lawrence, who completed the joint LLB/MSW program at U of T in 1999. The following year she spent articling with Chief Justice Beverley McLachlin. She graduated with her LLM from Yale in May 2001.

Lawrence’s research remains grounded in her social work practicum experiences. She’s now studying welfare administration with a particular focus on Ontario, while serving on the board of Parkdale Community Legal Services and teaching first-year constitutional law. In the classroom, it’s the critical thinking skills she hopes her students remember first, not the legal facts.

“A questioning approach will bode well for Osgoode’s graduates throughout their education, the practice of law and as contributing members of our communities.”

JANET MOSHER

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Mosher’s ultimate research goal — to influence positive welfare reforms — is closely tied to her hopes for Osgoode’s students. “It’s important they understand that their role as lawyers includes a responsibility to take issues of social justice seriously.”
Sharon Williams was one of 27 judges named in June to the International Criminal Tribunal for the former Yugoslavia.

Shelley Gavigan will come to the end of her term as Associate Dean on June 30, 2002, and Patrick Monahan will succeed her for a two-year term.

Craig Scott took up the duties of Associate Dean (Research and Graduate Studies) on July 1, 2001. (See profile on page 18.)

Lisa Philipps has taken on the administrative role of Assistant Dean (First Year) with responsibility for overseeing the first-year LLB program.

Sharryn Aiken, a doctoral student at Osgoode as well as an adjunct faculty member, is the recipient of the 2001 Canadian Policy Research Awards Graduate Student Prize from the Canada Policy Research Institute. There were a number of interesting visitors at the Research Institute this fall.

There were a number of interesting visitors at the Law School in 2001 including the following:

David Bederman was on a York Fulbright Fellowship from Emory University School of Law in Atlanta, Georgia. A distinguished international lawyer, Bederman taught a seminar during the fall term in “Advanced Public International Law: International Common Spaces” and, with Osgoode Professor Jamie Cameron, a seminar on “Comparative Foreign Relations: Canada and the US.”

Warren Grover holds the Falconbridge Professorship in Commercial Law. He taught a section this fall of Business Associations and directed the Intensive Program in Business Law. (See page 6 for excerpts from Grover’s Falconbridge Lecture.)

Julie Macfarlane is a Visiting Professor for two years from the Faculty of Law, University of Windsor. She is co-directing and teaching the part-time LLM in Alternative Dispute Resolution, as well as engaging in other projects.

Zeyuan Zhuo is a Visiting Scholar from Southwest University in China, where he is Vice President. He is at Osgoode for two terms.

Ana Maria D’Avila Lopes is a Peruvian law professor who teaches in Brazilian universities. Professor D’Avila Lopes is connected with the Institute for Feminist Legal Studies.

Mimi Ajzenstadt, a Visiting Scholar on exchange from the Hebrew University of Jerusalem, was at Osgoode from October 8 to 19.

Leo Barry is a Visiting Judge from the Supreme Court of Newfoundland. A former faculty member of the Dalhousie Law School, Barry is at Osgoode from September to March.

Peter Howden and Peter Jarvis are both Visiting Judges from Ontario’s Superior Court of Justice who will be at Osgoode from September to March.

Andrew Stelmacovich, formerly Director of Development, has been promoted to Assistant Dean (Advancement), responsible for alumni relations, communications and fund raising. Stelmacovich joined the Law School in January 1998 from Ketchum Canada where he had been Senior Director.

Wendy Griesdorf ’93 was appointed Director of Career Services last February. Griesdorf, who practised in a boutique estates litigation and administration firm before coming to Osgoode, has published, co-authored, and lectured in the areas of estates and intellectual property. She currently teaches an estate litigation seminar at the Law School.

Chantal Morton is the new Associate Director, Career Services. Morton hails from British Columbia where she received her BA, MA and LLB, and is currently completing her LLM at Osgoode. The focus of Morton’s work in Career Services is on non-traditional career paths for Osgoode students and alumni including the pursuit of clerkships, public interest and community-based law, graduate programs and other new ideas for non-traditional legal careers.

Valerie Pettica has been hired as Administrative Assistant – Human Resources, with responsibility for supervision of faculty support staff and temporary employees. She will also assist with all administrative aspects of human resources management in the Law School. Pettica, who has a BA in Sociology from York, spent 12 years with York Advancement before coming to Osgoode.

Karen Willoughby has taken a one-year leave of absence from her job as Program Coordinator in the Office of Student Services, and Linda West, a long-time York employee, is taking her place.

Sabine Lauffer has been appointed Communications and Help Services Coordinator with responsibility for managing help services and communicating the activities of the Information Technology Services office at both Glendon College and Osgoode. She reports to Peter Alexin, joint Glendon/Osgoode Operations Manager.

Joanne Rappaport has been appointed Coordinator – Research within the office of the Associate Dean (Research and Graduate Studies). A major part of her new responsibilities will be to provide information and assistance to faculty and graduate students preparing applications for research funding.
Congratulations to Osgoode Professors Allan Hutchinson, Kent McNeil, Mary Jane Mossman and Iain Ramsay who were awarded Social Sciences and Humanities Research Council of Canada (SSHRC) grants in the spring.

In other good news, two third-year students in Mossman’s family law course, Onofrio Ferlisi and Sarah Buhler, have had their case comments accepted for publication in the Canadian Journal of Family Law (Volume 18:1, 2001). Ferlisi’s paper is entitled “Recognizing a Fundamental Change: Comment on Walsh, the Charter, and the Definition of Spouse” and Buhler’s is “Critical Comment: Simon v. Simon and Penner v. Penner.”

A reception and book launch was held on November 21 at the offices of Osler, Hoskin & Harcourt LLP to celebrate the completion of the Fourth Volume in The Supreme Court of Canada Historical Society Series, which is dedicated to the work and the career of The Honourable Mr. Justice Peter Cory. Peter Cory at the Supreme Court of Canada, 1989-99 (Patrick Monahan and Sandra Forbes, eds.) contains a collection of 15 papers derived from a conference at Osgoode in October, 1999 in honour of Cory. Osgoode contributors to the book are: Jamie Cameron (“Justice Cory and the Charter”); Dianne Martin (“The Cory Compromise: Feminism, Due Process and the Supreme Court of Canada”); and Marilyn Pilkington (“Justice Cory on Private Law.”) Former Osgoode professors, The Honourable Mr. Justice John Evans and The Honourable Mr. Justice Allan Linden, now both of the Federal Court of Appeal, also contributed articles to the book.

Osgoode faculty members also published a plethora of books, reports, research monographs, articles and book chapters during the 2000-2001 academic year, a few of which are listed below.


Benjamin Geva is the author of *Bank Collisions and Payment Transactions – A Comparative Legal Analysis* (Oxford University Press, 2001).


Kent McNeil has published *Emerging Justice, Essays on Indigenous Rights In Canada and Australia*, (Saskatoon, Native Law Centre, 2001), which brings together 15 essays on the development of the law of indigenous rights in both Canada and Australia, primarily since 1990.

Mary Jane Mossman, with a co-author, Dean Patricia Hughes at Calgary, has written “Rethinking Criminal Justice in Canada” for the Department of Justice, and another piece, with co-author Cindy Baldassi ’03, on “A Constitutional Right to Civil Legal Aid in Canada?” for the Canadian Bar Association. Mossman is currently on sabbatical and working on her SSHRC-funded project, “Engendering the Law: Women Lawyers.”


A complete list of faculty publications can be found under Faculty & Research on the Osgoode Web site: wosgoode.yorku.ca
The Faskin Martineau DuMoulin LLP Gift

Osgoode Hall Law School now has a third high-tech classroom, courtesy of a major gift from Fasken Martineau DuMoulin LLP through its Legal Education Endowment Program.

The Faskin Martineau DuMoulin Classroom, formerly room 206, incorporates the latest technology including Internet connection, video with full-colour and sound, a document camera for displaying pages of books and other documents on an overhead screen, and a console for operating computer programs at the front of the room. In addition, the room features excellent acoustics and lighting and ergonomically designed furniture.

“We are tremendously grateful to Fasken Martineau DuMoulin LLP for helping Osgoode move to the forefront of law faculties by providing an advanced learning environment that is second to none,” said Dean Hogg, who hosted a reception to celebrate the opening of the classroom on October 18. “Our students have unprecedented access to global legal research resources and tools that will not only enrich their academic experience but also equip them with the practical skills needed to succeed in their legal careers.”

John Campion, Chair of Fasken Martineau DuMoulin’s Toronto office, said the firm was very pleased about its collaboration with Osgoode, and “we are particularly excited about this project’s future potential. Recognizing that our profession is progressively becoming more reliant upon technological solutions, the use of high technology in law school classrooms is really becoming an imperative rather than an option.”

Funding for the project was pledged in May 2000 as one of three inaugural gifts underwritten by the Fasken Martineau DuMoulin Legal Education Endowment Program. Other projects funded by the program have included the new Centre for Legal Services at the University of Toronto Faculty of Law and the Fasken Martineau DuMoulin Moot Court at Queen’s University Law School.

THE THOMAS BROWN PHILLIPS STEWART SOCIETY

Thomas Brown Phillips Stewart (1865–1892) was a barrister and poet who died at the early age of 27. 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 honor 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 share this commitment to Osgoode by means of a planned gift including charitable bequests, life insurance, charitable gift annuities 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 the Will (especially for specific bequests) before they are finalized, so we can confirm our ability to accept and fulfill the gift’s intent.
Student Financial Assistance

The Law School gratefully acknowledges the generosity of the following donors in the establishment of these new awards.

JEFFREY BLIDNER AWARD
In his 25 years at Goodman and Carr LLP, Jeffrey Blidner ’72 earned a reputation as an outstanding senior corporate and securities lawyer. The firm established this award to honour their friend and colleague and to celebrate his distinguished career. This award will be given to a student who is enrolled in or has completed a business law intensive program at Osgoode Hall Law School. Recipients must demonstrate academic excellence and financial need.

THE CANADIAN ITALIAN ADVOCATES ORGANIZATION AWARD
This award has been established by the Canadian Italian Advocates Organization to assist an Osgoode Hall Law School student who has been selected and is registered in the Bologna Exchange Program in Italian Law. Recipients must have good academic standing and demonstrate financial need.

FOGLER, RUBINOFF LLP – ROBERT R. JASON PRIZE IN THE LLB/MBA PROGRAM
This prize was established by the firm of Fogler, Rubinoff LLP in memory of their friend and partner Robert R. Jason. Bob was a highly respected tax lawyer and accountant whose enthusiasm and expertise contributed enormously to the firm and to the legal and accounting professions. This prize will be awarded annually to the student who is in their final year study and stands first in the LLB/MBA program.

GREEN & SPIEGEL PRIZE IN IMMIGRATION LAW 2000
The law firm of Green & Spiegel awards two prizes to the students standing first in the presentation of their term paper and first in the result of the final written examination in the course in Immigration Law at Osgoode Hall Law School in 2000.

STEVEN R. HUTA MEMORIAL PRIZE
Steven Huta was an exceptional student who died tragically in his second year of study at Osgoode Hall Law School. His family and friends established this prize in his memory. It will be awarded annually to the LLB student who has completed second year and who has shown outstanding academic and athletic achievement.

LAX O’SULLIVAN CRONK BURSARY
The founding partners of Lax O’Sullivan Cronk donated this bursary to celebrate the first year anniversary of the establishment of their firm. Each partner made a donation to their law school in gratitude for the legal education they received and which served as the foundation for their professional career. Terrence O’Sullivan graduated from Osgoode Hall Law School in 1971 and went on to a successful career in commercial litigation. This bursary will be given annually to a student registered in Osgoode Hall Law School who is a Canadian citizen/permanent resident, Ontario resident and who demonstrates financial need.

THE HONOURABLE GERALD ERIC LE DAIN BURSARY
This bursary has been named as a tribute to The Honourable Gerald Eric Le Dain, Dean of Osgoode Hall Law School from 1966 to 1972 and a Justice of the Supreme Court of Canada from 1984 to 1988. It will be awarded annually to a student registered in the graduate program in law who is a Canadian citizen/permanent resident, Ontario resident and who has financial need.

STEP PRIZE FOR TRUSTS AND ESTATES
This prize was established by the Society of Trust & Estate Practitioners (STEP) to recognize students who have displayed outstanding achievement in the area of trusts and estates. It will be given annually to a second or third-year student who has displayed academic excellence in the areas of trusts and/or estates.

RUSSELL NELLES STARR, Q.C. MEMORIAL AWARD
The Russell Nelles Starr, Q.C. Memorial Award was established in 2000 through the estate of his wife Catherine Margaret Starr. A graduate of Osgoode Hall in 1934, the late R. Nelles Starr, Q.C. was a vigorous and skilled lawyer. As a respected member of the legal profession, Starr was a pure litigator and also an iconoclast. He was an enthusiastic critic of the judiciary and other legal institutions. Through this generous benefaction, Starr’s contribution to the legal profession is honoured in perpetuity. The net income from this fund will be awarded annually to up to two students in first or second year who demonstrate financial need, with preference being given to physically disabled students or students achieving high academic standing in civil procedure, or both. The funds for this award were matched by the Ontario Government and accordingly are available only to Canadian citizens/permanent residents who reside in Ontario.

NATHAN STRAUSS Q.C. ESSAY PRIZE IN LEGAL ETHICS
This Essay Prize has been established by Lilly Offenbach Strauss in honour of her late husband, Nathan Strauss Q.C., a life Bencher of the Law Society of Upper Canada, a graduate of Osgoode Hall Law School and a distinguished member of the Ontario Bar, whose integrity and exemplary professional conduct were a byword among fellow lawyers and generations of clients. The intent of this Essay Prize is to promote student interest in legal ethics and to stimulate debate about conduct proper to the practice of law as an honourable profession and a force for the good in the community at large.

The Essay Prize will be awarded annually for an essay of exceptional merit on any issue relating to legal ethics and/or professional conduct, preferably with reference to the implications for the practice of law of rapid social and technological changes. The subject of the essay may deal with broad theoretical issues or with a particular substantive area. The winning essay must always be of publishable quality, and will be considered for the Osgoode Hall Law Journal. Full-time students enrolled in any year of the LLB or graduate programs of the Law School are eligible to compete.

CHARLES EDWARD WOODROW AWARD
This award was donated by Isabel Clarke Dickson Woodrow in memory of her husband. Charles Woodrow was born in Aberdeen, Scotland and raised in Sarnia, Ontario. He graduated from Osgoode Hall Law School in 1928. During his service in World War II, he attained the rank of colonel and was honoured as a Member of the Order of the British Empire. Colonel Woodrow’s legal career was with the Liquor Control Board of Ontario until he retired in 1970. He was made a life member of The Law Society of Upper Canada in 1978. This award will be given to students at Osgoode Hall Law School who demonstrate academic achievement and financial need. Recipients must be Ontario residents who are Canadian citizens.
2001 Reunions

The year 2001 marked a big change in the way reunions are held at Osgoode Hall Law School. In the past, class reunions were scattered throughout the spring and fall. This year, Osgoode encouraged celebrating classes to hold their reunions the evening of Osgoode’s Homecoming, September 29. The Classes of ’71, ’76, ’81 and ’96 each held their respective reunions at different venues throughout the city. Dean Peter Hogg, showing a great deal of fortitude and good will, happily attended each reunion.

The Class of 1951 held its 50th reunion at Osgoode Hall in downtown Toronto on September 8. Thanks to W. D. Griffiths who chaired this very important reunion.

The Class of 1956 held its 45th reunion on May 26 at the Royal Canadian Military Institute. Claude Pensa chaired this committee, and the turnout was terrific. Austin Cooper was the special guest.

The Class of 1961 held its 40th reunion at the Toronto Eaton Centre Marriott on September 22. They had an outstanding turnout, thanks to the hard work of Chief Justice Patrick LeSage and his committee.

The Class of 1971 held its 30th reunion at the home of Audrey Loeb. Special thanks to Audrey and Maureen Saltman for organizing the event.

The Class of 1981 held its 20th reunion at the gorgeous Academy of Spherical Arts. Linda Fuerst and Randy Bauslaugh spearheaded the organization of this event.

The Class of 1991 held its 10th reunion on October 4 at the Esplanade Bier Market. This was a really successful reunion thanks to the teamwork of Gina Alexandris and Ria Tzimas.

The Class of 1996 held its 5th reunion at the Left Bank. Thanks to the reunion organizing committee, which consisted of John Cooney, Dayna Simon and Michelle Raitt.
The Class of 1976 presented its 25th Anniversary Gift of a cheque for $50,000 to Dean Peter Hogg during Homecoming ceremonies on the afternoon of September 29. Spearheading the fund raising campaign were Peter Israel, Rosanne Rocchi and Bonnie Tough. The funds will be used to renovate a seminar room at the school, and equip it with the necessary electronic teaching aids that are so essential today. A plaque listing all donors to the fund will acknowledge the class contribution. Thanks to all classmates who have so far donated.

In the evening, the Class of 1976 gathered for drinks and dinner at the Badminton and Racquet Club. Sheila Collin performed masterfully as mistress of ceremonies, inviting various speakers to the microphone over the course of the evening, to share their own experiences as well as news about absent colleagues. Among others, George Cadman reported on graduates “out west” (many of whom accompanied him to the event). Particularly memorable were Alan Risen’s positive report about Professor Alan Grant’s progress since his tragic car accident in Ireland as well as the remarks of Candice Hanson (who came from Los Angeles) and Marilou McPhedran that reminded us in (light of the events of September 11) how fortunate we all are.

Thanks to our perennial reunion committee chair, Sandy Chapnik, and her team Sheila Collin, Ross Elver, Susan Himel, Peter Israel, David Jarvis, Gary Joseph, Stephen Morrison, David Stinson and Jack Winberg. We hope we can count on Sandy for the 30th anniversary reunion in 2006! Submitted by David Stinson

2000 Reunions

Although delayed for one year, the Class of 1964 was delighted to hold their 35th class reunion at the Granite Club on October 26 in combination with members of the Toronto Chapter of the Society of Trust and Estate Practitioners (STEP). The honouree was our classmate, Mary Louise Dixon, Q.C. (affectionately known as “Mary Lou”). More than $34,000 was raised in her honour for the benefit of the Centre for Independent Living (CIL) in Toronto, which helps people with disabilities to learn independent living skills and integrate into the community.

The evening was co-chaired by Class of ’64 representative Robert D. McIntyre, Q.C. and STEP President Mel Gilbert. Thanks to all committee members.

The Honourable Mr. Justice Peter Jarvis brought formal (read “reverent”) greetings to Mary Lou on behalf of her classmates while extemporaneous and irreverent (read “humorous”) remarks came from the Honourable Mr. Justice Eugene Ewaschuk, Bob McIntyre and Dave Purdy.

This reunion report would not be complete without “the rest of the story” about the honouree as taken from her address to the attendees. For the child from frontier mining camps in Northern Ontario and Nova Scotia, life came to a prolonged halt when she was totally paralyzed from polio at the age of seven. She was in such bad shape that doctors suggested she be put in a home and forgotten.

The years that followed brought with them fear, desperation, exclusion/discrimination, rejection and loneliness. But from these scars, stars appeared, nurtured by a particular doctor when she was interned at age seven in the Roosevelt Polio Foundation in Warm Springs, Georgia; her teachers at every school up to and including Osgoode Hall Law School; and her loving but firm parents who let her know that she would have to get an education to support herself in the real world.

Although Mary Lou has received other accolades, this special night of honour seemed to crystallize for her that although she had experienced loneliness, she had never been truly alone. She gave thanks to her parents, fellow workers, classmates and friends who had carried her both psychologically and physically in her wheelchair. Thus Mary Lou has been places and has experienced travel adventures that she never thought she would achieve or see. She also gave thanks for advancing technology that is assisting people with disabilities to more readily gain access to the world.

At the end of her presentation, the packed room rose as one to applaud this truly remarkable person and her achievements. (And Mary Lou felt that only a handful of people would turn out. You figure!) Mary Louise Dixon, Q.C. deserves her story to be told in more space than can be contained within this Continuum; however, it should be noted that Mary Lou became an acknowledged expert in the field of estates and trusts plus has written, edited and taught. She has given back to her local community, school communities, law profession and the Canadian community through her work as Commissioner with the Canadian Human Rights Commission, and has assisted significantly in changing the face of Ontario for people with disabilities.

Submitted by Robert D. McIntyre, Q.C.

The Class of 1970 – the last to attend the Law School at Osgoode Hall in downtown Toronto – held its 30th reunion on November 18 at that location. Close to 100 graduates and guests enjoyed a two-hour reception, followed by a six-course dinner, and music (compliments of Ted Hortons). This well-attended gala evening was organized by a committee co-chaired by David Purvis and Jim Hodgson. The committee generously donated surplus proceeds of $300 from the evening to the Alumni Association.

Special guests included Mr. Justice Derek Mendes da Costa, Professors Dennis Heffernon, Sidney Peck and Garry Watson, Mr. Justice Peter Cumming, former Associate Dean R. J. Gray, former Registrar Louella Sturdy, and former Director of Alumni Affairs Sheila Cann.

Co-Chair Jim Hodgson was unanimously appointed as the official class rep to replace Bruce Savage, who had been class rep since 1970. A moment of silence and tribute was offered for Bruce and fellow classmates who have passed away since the 25th reunion. These included Norm Dinenfeld, Wayne Watterworth and Professors Graham Parker and Allan Mewett.

When Mr. Justice Mendes da Costa spoke, the entire room seemed transported to 1970. His wit, his charm, his awesomeness has not diminished even after a decade at the University of Toronto and more than a decade on the Bench. Special guest R. J. is still R. J. even in retirement. While no one actually rolled in the aisles, there were very few dry eyes in the place after his remarks.

The co-chairs and organizing committee wish to express special thanks to Julie Sagara, Acting Director of Alumni Affairs, and the Alumni staff for their tireless efforts in putting this evening together.

Submitted by David Purvis, Q.C.

The Class of 1990 held its 10th reunion at Madison Pub on November 25. Many thanks to Cindy Nathan who organized this event for her classmates.
1940s

Mark Shragge '44 was called to the Ontario Bar in 1946. He was an attorney in Ontario and later California where he has lived since 1947. He retired from the California Bar in 1996 and is now attending the University of San Francisco four days a week in a program for retired seniors.

John Ross Matheson '48 officially opened the 53rd annual Glengarry Games and received the 2000 Sir John A. Macdonald Award of the St. Andrews Society of Ottawa in recognition of his outstanding contribution to the people of Canada.

Ian MacFee Rogers, Q.C. '49 is still writing and enjoying retirement. “Unkind friends say ‘Why ski? You’re going downhill anyway!’”

1950s

Albert A. Strauss, Q.C. LSM ’56 received the CBAO Award for Excellence in Real Property Law in 2001 and the Teranet Award of Excellence in Real Property.

1960s

(Hon.) John D. Smith ’60 has retired from the Ontario Court of Justice.

1970s

Gary Davis ’77 became Dean of Flinders University Law School on July 1, 2001. Coincidentally this also marked the 20th year of the commencement of his career as a legal academic in Australia. His book, Conflict of Laws in Australia, co-authored and edited with two others, is being published by Oxford University Press.

James Trottier ’80 is a senior diplomat (responsible for political and economic issues) at the Canadian Embassy to Thailand, Burma and Laos located in Bangkok, Thailand. He has been a Foreign Service Officer with the Department of Foreign Affairs and International Trade since 1982. Previous assignments have included Canada’s permanent Mission to the U.N. in New York.

Joe Defilippis ’81 joined the Department of Justice as a prosecutor after being called to the bar. In 1997, he became the Executive Legal Officer to the Chief Justice of the Superior Court of Justice. In January 2000, he was appointed a judge of the Ontario Court of Justice in Brampton

1980s

David S. McRobert ’87 works as In-House Counsel at the Environmental Commissioner of Ontario. He has taught environmental law to York undergraduates every year since 1994.

1990s

Hendrik Varju ’93 worked as a lawyer until 1996. Hendrik decided to leave the practice of law to pursue a career in woodworking. He set up his woodworking business in Erin, Ontario where he happily handcrafts custom-made furniture. He also teaches his craft to others.

Brandon M. Boone ’93 and his wife, Lisa, are proud to announce the birth of their first child, a girl, Brielle Taylor Boone, on July 12, 2000.

Mira Teresa Sundararajan ’97 has earned an LLM at the University of British Columbia in 1999, and is currently completing her PhD at Oxford University in England.

Michael S. McEachren ’98 has opened his own law practice in the London, Ontario area. Please feel free to contact him at msm@legaldefence.ca.

Dino DiGiuseppe LLM ’99 was appointed a Judge of the Ontario Court of Justice in Thunder Bay on December 1, 2000.

TRAVEL DIARY

Cross-Country Visits with Alumni

Dean Peter Hogg, accompanied by Andrew Stelmacovich, Assistant Dean of Advancement, and Julie Sagara, Acting Director of Alumni Relations, continued his cross-country visits with alumni with stops in Montreal, Ottawa and Vancouver.

Receptions were held at the Club Saint Denis in Montreal on October 20, 2000, the Royal Vancouver Yacht Club on March 1, 2001, and the National Arts Centre in Ottawa on April 5, 2001.

These reunions would not have been possible without the assistance of the following people: Verna Cuthbert ’74 in Montreal, Art Vertlieb ’72 in Vancouver, and Domenic Crolla ’85 and Gowlings law firm in Ottawa.

photos: Top-Vancouver, Bottom-Ottawa
In Memoriam

1929 Louis Taube
1930 W. Leo Knowlton Q.C.
1930 William S. Sewell Q.C.
1931 Reginald H. Soward Q.C.
1932 R.W. Donald Affleck Q.C.
1932 Gabriel J. Macoomb Q.C.
1935 Robert L. Algie
1935 Sydney Hermant
1936 Reginald H. Soward Q.C.
1936 William S. Sewell Q.C.
1936 Frederick M. Cass Q.C.
1937 Louis Hermant
1937 George K. Drynan Q.C.
1938 W. Leo Knowlton Q.C.
1938 The Honourable G. A. Martin
1939 James A. Clare
1939 The Honourable John M. Godfrey Q.C.
1940 R. S. White
1940 Gordon B. Will
1941 Douglas L. Hardtman Q.C.
1941 J. Donald Bell Q.C.
1941 Earl L. Lutes
1942 The Honourable Justice Donald R. Shearer
1942 The Honourable Justice R. S. White
1944 The Honourable Justice Edward Richmond Q.C.
1944 The Honourable Justice James H. Hall Q.C.
1944 His Honour Judge M. Douglas Morton
1945 Joan E. Heath
1945 Gordon A. Macartney Q.C.
1946 The Honourable Walter E. Ross
1946 The Honourable Justice W. Leo Knowlton Q.C.
1947 The Honourable Justice R. S. White
1947 The Honourable Justice W. Leo Knowlton Q.C.
1948 The Honourable Justice W. Leo Knowlton Q.C.
1948 The Honourable Justice W. Leo Knowlton Q.C.
1949 Martin A. Bitz
1949 Theodore S. Farley Q.C.
1949 Donald M. McKerroll Q.C.
1949 Edwin J. Myers
1950 George R. Cameron
1950 Frederick H. Lamar Q.C.
1950 Harry P. Mayzel
1951 George E. Bell
1951 W. Robert Burgess
1951 Francis L. O'Donnell
1951 The Honourable Madam Justice Janet V. Scott
1951 H. Graham Walsh Q.C.
1953 Dalton A. McLaren Q.C.
1953 John E. Palmer Q.C.
1954 Georgia M. Bentley
1954 Douglas N. Macklem Q.C.
1954 Carl P. Vipavec
1954 Ian R. Linton Q.C.
1955 Murray A. Thompson Q.C.
1956 David A. Coon
1956 J. Bruce Dunlop
1956 George R. Houlding Q.C.
1956 John P. Morrison Q.C.
1956 Celestine J. Weiler
1956 John R. Beckett Q.C.
1957 Albert C. Finkelstein
1957 The Honourable Justice Spyros D. Loukidis
1957 William Hershorn
1957 Hugh J. Couch
1957 Irving Feldman Q.C.
1957 Carl T. Grant Q.C.
1957 John A. Hicks
1958 P. Antony Marshall
1959 The Honourable Justice Peter B. Tobias
1960 Reginald A. Hummel Q.C.
1960 Alexander V. Kanbergs
1960 H. Douglas Stewart Q.C.
1961 Ross L. Butters
1961 Dean C. Kitts Q.C.
1962 Ted A. Brookes
1963 Bernard Koffman
1964 David T. Hogben
1966 Roger R. Elliott Q.C.
1969 Donald A. Gardner Q.C.
1971 Leonard F. Adamcyk
1974 Eduardo M. Barradas
1974 Brian F. Little
1976 James A. Ballard
1977 Eleanor Meslin
1978 Leonard F. Adamcyk
1978 Murray G. Meldrum
1979 Abe I. Greenhaun
1982 Peter E. Harvey
1987 John G. Marko
1991 John S. Cliffe
1991 Marlee Kline
1993 Lynne C. Stones
1994 Jane V. Nelson
1997 Robert R. Jason

KEW DOCK YIP
1906-2001

Family and friends of the late Kew Dock Yip ’45 – the first Chinese Canadian called to the bar – gathered at Osgoode Hall in downtown Toronto on November 21 to celebrate his life and contributions, and the increasing diversity of the legal profession in Ontario. The event, which was hosted by The Law Society of Upper Canada in conjunction with Osgoode Hall Law School, the Chinese Canadian National Council, the Multicultural History Society of Ontario and the Equity Advisory Group, drew a crowd of more than 100 people including Ontario’s top judges.

Mr. Yip, who died July 9 in Toronto at the age of 94, was one of the founding members in 1946 of the Committee for the Repeal of the Chinese Immigration Act, commonly known as the Exclusion Act. The Act, which was repealed in 1947, the same year Chinese Canadians were granted the right to vote, virtually barred a Chinese person from entering Canada between 1923 and 1947. Mr. Yip received a Law Society Medal in 1999 for his contributions to the legal profession and his fellow citizens.

Osgoode Professor Harry Arthurs described Mr. Yip and another Osgoode graduate, the late Irving Himel, Q.C. ’38, as two of the driving forces behind the changing face of the province’s legal profession.

“Neither of them were larger-than-life figures, nor flamboyant advocates nor leaders of the bar...” Arthurs noted. “They were just ordinary, decent, competent lawyers who served their clients, took pride in their profession and contributed to the communities from which they came. But they both understood that they had to rise to the challenge which confronted Canada in 1945, the challenge of showing that we really believed in the democratic values we had fought to defend.”

Thanks to their efforts, Arthurs said, “a stain was wiped from Canada’s national conscience, and the face of our legal profession was changed forever.”

Dora Nip, a lawyer, Chinese-Canadian historian, and chief executive officer of the Multicultural History Society of Ontario, grew up in northern British Columbia where she first heard about Mr. Yip’s contributions to the community. “He was spoken of in respectful tones, and with quiet pride. The message was that anything can be accomplished. Underlying that message, it was understood that we must always remember our roots.”

Mr. Yip leaves his wife, Victoria, and three sons – Alfie and twins, Jim and John.
Professor Reuben Hasson Retires

Reuben Hasson was educated at Cape Town, London School of Economics, and Yale, and held teaching and research positions at the University of London, Yale, Stanford and the U.K. Law Commission. He joined the Osgoode faculty in 1975, and quickly became the 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.

Dean Peter Hogg had these words to say about Hasson on the occasion of his early retirement on January 1, 2001.

“As a teacher, he was immensely successful. His classes were always lively, and the time he would spend with individual students was unlimited. He was beloved by his students.

Reuben is a voracious reader, putting all of us to shame in his ability to keep up with the literature, not just in his own fields of study. Fortunately, he is an equally wonderful colleague, and a steady stream of notes and photocopies has been keeping us informed of interesting ideas and developments in our own fields. A conversation with Reuben is always informative, thoughtful and stimulating.

I hope and expect that Reuben will retain his connection with us. He will keep his present office for the rest of this academic year, and will move to an office in the Law Library for the following academic year.

I know I speak for all of my colleagues when I thank Reuben for his fine 25-year contribution to Osgoode, to the law, and to Canadian society. I know I also speak for everyone in wishing Reuben a happy and productive retirement.”
Award to Honour
Outstanding Alumni

The Board of Directors of Osgoode Hall Law School Alumni Association has created an award known as the Osgoode Hall Law School Alumni Award to honour outstanding alumni who have made contributions to the Law School.

Up to 10 awards will be given annually at the Annual General Meeting of the Alumni Association, and the names of the award recipients will be engraved on a plaque to be permanently displayed at the Law School.

To be eligible for selection, the individual must:
• have received an LLB, LLM or DJur degree from Osgoode Hall Law School of York University;
• between 1960 and 1970, have received a degree from Osgoode;
• or before 1961, have received his or her call to the bar following study at Osgoode.

The Awards Committee shall consider the following criteria in making its selection:
• Contribution to the quality of education and welfare of the Law School;
• Promotion of the Law School nationally and internationally;
• Support for Student Services through supplementing and diversifying the educational experiences available at the Law School; and
• Recognizable contribution to the community at large.

Nominations must include the following:
• Statement by the nominator outlining why the candidate should receive the Award;
• Letters of reference from two people who are familiar with the candidate’s Law School contributions;
• Any other supporting documents.

All documentation must be received by the Awards Committee by 4 p.m. on Thursday, May 30, 2002. Nominations should be sent to the Awards Committee, Osgoode Hall Law School Alumni Association, 4700 Keele Street, Toronto, Ontario M3J 1P3.