

Spring 2007

UBC | LAW ALUMNI MAGAZINE

The Inukshuk and the Rings

BRINGING HOME THE
2010 WINTER OLYMPIC GAMES

Dream Team

UBC LAW ALUMNI AT THE OLYMPICS

Geneva by Way of Japan

VICTORIA DONALDSON TAKES
THE ROAD LESS TRAVELLED



THE
UNIVERSITY OF
BRITISH
COLUMBIA



PUBLISHER

UBC Faculty of Law

EDITORIAL

Editor-in-Chief

Dean Mary Anne Bobinski

Managing Editor

Gloria Ingram

Copy Editor

Janine Root

Editorial Board

Mary Anne Bobinski, Ana-Maria
Hobrough, Gloria Ingram, Kaila
Mikkelsen, Nadia Myerthall, Janis Sarra,
the Honourable Jon Sigurdson

Advisory Board

The Honourable Janice Dillon, Anna
Feglerska, Craig Jones, the Honourable
Jon Sigurdson, Warren Smith, James
Spears, the Honourable Martin Taylor, QC

Contributors

Mary Anne Bobinski, Diane Haynes,
Ana-Maria Hobrough, Gloria Ingram,
Kat Kinch, Kaila Mikkelsen, Nadia
Myerthall, Candice Peskett, Janine Root,
the Honourable Jon Sigurdson

ART DIRECTION AND DESIGN

Tandem Design Associates Ltd.

PHOTOGRAPHY

Martin Dee



THE
UNIVERSITY OF
BRITISH
COLUMBIA

UBC FACULTY OF LAW

The University of British Columbia
1822 East Mall
Vancouver BC V6T 1Z1
Canada

To send your letters to Re-Torts, or your
contributions to Closing Arguments,
e-mail alumnieditor@law.ubc.ca. To
submit information to Class Notes,
click on [http://www.law.ubc.ca/forms/
class_notes/notes.html](http://www.law.ubc.ca/forms/class_notes/notes.html) and use
our online form. Please provide your
full name and, if desired, title and
company name. Submissions may be
edited for length and clarity. To notify
us of a change of address or other
contact information, please e-mail
alumnieditor@law.ubc.ca or write to
us at the address listed above.

UBC Law Alumni Magazine is published
twice a year (Fall and Spring) by
the UBC Faculty of Law; 7,500 copies
are distributed to UBC Law alumni
via direct mail.

Copyright © 2006 UBC Faculty of Law

Publications Mail Agreement Number
41130018

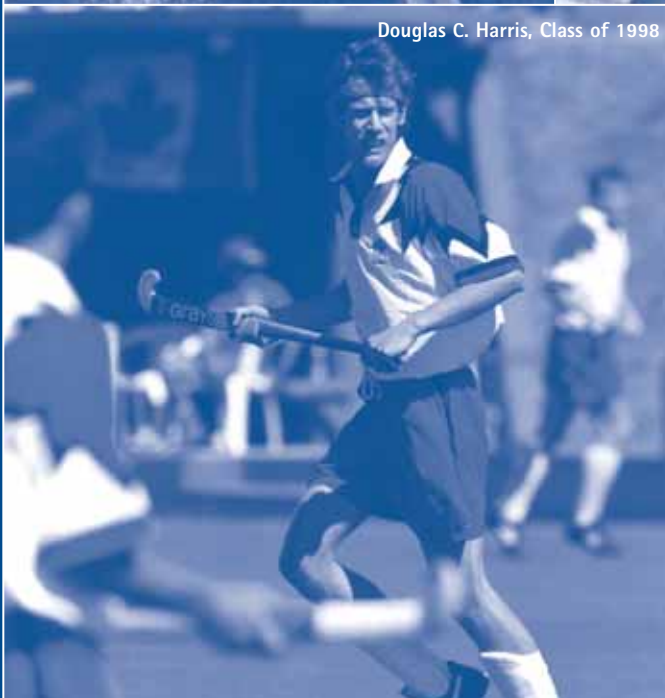
Return all undeliverable Canadian mail to
UBC Faculty of Law
1822 East Mall
Vancouver, BC V6T 1Z1



Tricia Smith, Class of 1985



George Hungerford, Class of 1968



Douglas C. Harris, Class of 1998



Bruce Mandeville, Class of 1986



Ian Balfour, Class of 2006





Norman Trerise, Class of 1974

Contents

FEATURES

4 The Inukshuk and the Rings

BRINGING HOME THE 2010 WINTER OLYMPIC GAMES

Whether they are driving the Olympic apparatus or holding it accountable, UBC Law faculty and alumni are playing leading roles in bringing the "biggest show on earth" home to Vancouver.



18 Dream Team

UBC LAW ALUMNI AT THE OLYMPICS

They range in age from 27 to 64 and have competed in nine different events. They are 19 strong and they are all part of the same Olympic team. Ours.

DEPARTMENTS

- | | |
|---|-------------------------------|
| 2 Message from the Dean | 30 Report on Giving |
| 3 Message from the UBC Law Alumni Association President | 33 Faculty Matters |
| | 36 Student Matters |
| 26 The Road Less Travelled
<i>A self-professed "conformist kid," Victoria Donaldson has forged an international career as a counsellor with the World Trade Organization's Appellate Body Secretariat in Geneva.</i> | 40 Alma Matters |
| | 41 UBC Law Alumni Association |
| | 42 Class Notes |
| | 44 Closing Arguments |



MESSAGE *from the Dean*

Greetings from UBC Law and welcome to the fourth edition of the *UBC Law Alumni Magazine*. As this issue goes to press, our students and faculty are waiting for final exam marks. Third year students are looking forward to becoming UBC Law alumni and to joining the profession in the months ahead. At the same time, our admissions staff members are working to ensure that some of the best law students in Canada will join us in September. This time of year reminds us of the role of the law school in transforming the lives of our students by providing them with the knowledge and tools they will use for decades to come in the service of their clients and the society in which we live.

Many of you have played important roles in this transformative educational experience over the past year. You have suggested that prospective law students consider UBC Law. You have served as CBA mentors, conducted mock and real interviews through our career services programs for students, taught courses, provided guest lectures, coached or served as judges for moot court teams, provided financial support for student aid and academic programs and offered your advice on everything from the J.D. debate to the implementation of our new business law concentration. Thanks to each of you. Our faculty, students and staff are grateful for your participation and support.



This issue of the alumni magazine is devoted to a different cycle: the Olympics. The world focuses on the city hosting the Winter Games every four years. Yet, behind the scenes, the success of each Olympic Games event is created through many years of work and investment. As 2010 is fast approaching, this issue is dedicated to the alumni and faculty who are working to make the Olympic Games a success—athletically, economically and socially. We interview alumni who are working for VANOC, an MP who worked to bring the games to Vancouver, and law faculty members and alumni working with VANOC and in the community on various aspects of the planning process.

Our second feature includes interviews with alumni who have participated in the Olympic Games as competitors. Their stories are amazing and bring to life the true spirit of the Olympics. I'm sure you will enjoy them as much as I have. UBC Law is fortunate to have such distinguished alumni, not only in the legal profession, but in, as Professor Joe Weiler would say, "the biggest show on earth".

As always, our regular features include a message from the Alumni Association President, the Honourable Jon Sigurdson, The Road Less Travelled column, our Report on Giving, news from Faculty and Students, our Alma Mater section on reunions and alumni activities, and the "must read" Class Notes section that brings you up to date on your classmate's lives.

We hope that you continue to find the *UBC Law Alumni Magazine* to be insightful and interesting. We welcome your feedback and ideas. Drop us a line at alumnieditor@law.ubc.ca.

Warm regards,

A handwritten signature in black ink, which appears to read "M. Bobinski". The signature is fluid and cursive.

MARY ANNE BOBINSKI

Dean, UBC Faculty of Law

MESSAGE *from the* UBC Law Alumni Association President

On behalf of the Board of Directors of the UBC Law Alumni Association, I would like to extend greetings to the alumni of the law school.

The purpose of the UBC Law Alumni Association is to support the law school, reinforce the bond that exists between the law school and its graduates, and recognize the achievements of the graduates.

We were pleased to welcome Professor Stephen Toope at a lunch in November 2006, shortly after he became President of UBC and a member of the Faculty of Law. He spoke at a well-attended lunch at the Four Seasons Hotel.

Under the inspiring leadership of Dean Mary Anne Bobinski, UBC Law continues to be one of the leading law schools in Canada. The Dean has initiated a significant review of the curriculum, overseen the appointment of many outstanding new faculty members, significantly enhanced student financial aid, and launched a strong campaign for a new law building on campus.

In recent years, the UBC Law Alumni Association has recognized the achievements of some of our graduates and professors, and this year is no exception. At a dinner on May 2, 2007, we gave Awards of Distinction to three graduates: Jim Taylor, QC, Chris Hinkson, QC (now Mr. Justice Hinkson of the Supreme Court of BC), and Anne Giardini.

Mr. Taylor is a leading counsel who has taught at UBC, served as a deputy minister in Saskatchewan, authored the leading textbook on the Rules of Court and has carried on an active litigation practice. Mr. Hinkson, also a leading counsel, has appeared for clients in all levels of court, represented persons with disabilities on a *pro bono* basis, acted for lawyers facing difficulties and mentored young lawyers through the Inns of Court program.

Ms. Giardini is known not only for her expert legal work as general counsel for a large public company, but also for her literary skill. While our other recipients for the Awards of Distinction are known for their legal writing, Ms. Giardini authored and published a successful novel *The Sad Truth About Happiness*.

This year, the UBC Law Alumni Association also presented Awards for Research to Professor Emeritus J.C. Smith, Dean Emeritus Peter Burns and Professor Janis Sarra. This was the first year we extended the Research Award to emeritus professors.

Professor Smith was a member of the UBC Law Faculty for over thirty years, and published broadly in the area of legal theory and tort law, did pioneering work in artificial intelligence and the

law, developed expert systems for case law and legal basis and psychoanalytical jurisprudence.

Professor Burns, also a long-time professor and former dean for nine years, is best known for his work in tort law and international criminal law. He served on and chaired the United Nations Committee Against Torture and has received the Renata Shearer Human Rights Award.



Professor Sarra, also an Associate Dean, is widely published, particularly in corporate and insolvency law, and was a driving force behind the recent establishment of the National Centre for Business Law at UBC.

The recipient of the Young Alumna Award this year was Miranda Lam, an associate at McCarthy Tétrault who has clerked in the Supreme Court of British Columbia, served as chair of the Board of Directors for Volunteer Vancouver and in the past has received the YWCA Young Woman of Distinction as well as the Ray Herbert Award as the all-round graduating student.

This message was prepared before the celebratory evening on May 2, 2007. I hope that many of you were there. The UBC Law Alumni Association continues to pursue its activities with a very active board. At the last annual meeting, the latest additions to the board were Marylee Davies, David Neave and Tom Woods.

The law school continues to attract the best students in Canada, and continues to graduate excellent lawyers who participate throughout Canada and the world in all aspects of the increasingly diverse practice of law. Visit our website at <http://www.law.ubc.ca/alumni>.

THE HONOURABLE
JON SIGURDSON

President

UBC Law Alumni Association

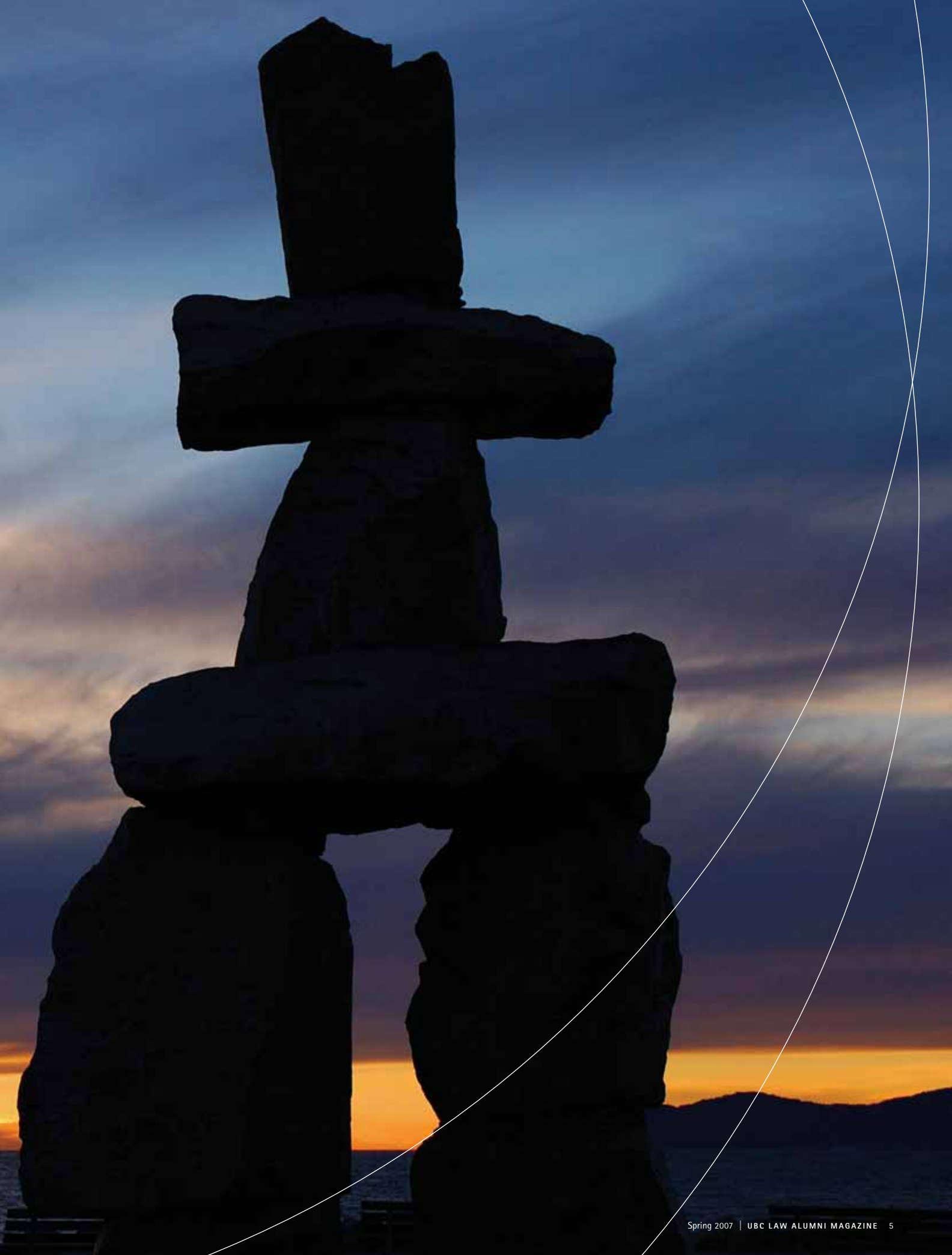
The Inukshuk & The Rings

by Diane Haynes

Bringing Home the 2010 Winter Olympic Games

UBC Law faculty and alumni are playing leading roles in the massive effort required to bring the world's largest mega-event home to Vancouver. Whether in the boardroom, the courtroom or the classroom, whether they are driving the Olympic apparatus or holding it accountable, they are all committed in their own ways to ensuring that the event is a success and that the promises are kept—particularly the promises about home.





The Inukshuk

The inukshuk (in-00K-shook) is used by the people of the Arctic to find their way home.

The word means “something that acts for or performs the function of a person.”

Traditionally a stone cairn, the inukshuk is a landmark in a barren land, standing out on the tundra or above the snow to say, *I’ve been here before. You are on the right path.*

Because of the weight of the stones, an inukshuk cannot be built by one person alone, but requires the strength of many.

Home. Community. These are the themes represented by this symbol chosen for the 2010 Winter Games. Home—and homelessness—is the issue that will define these Games politically in the way that every past Olympiad has had its defining issue. We’ve invited the world—10,000 media representatives, 2.3 million tourists and three billion worldwide viewers—to see our home, and they will, from the city’s surpassing natural beauty to the more than 3,000 citizens who could be sleeping on its streets.

Organizers have the landmarks and lessons of past Olympiads to go by, but their commitment to the poorest of the city is an Olympic first. They’re in unfamiliar territory. We all are. The will exists to see that commitment through, but the anticipated financial resources haven’t materialized. Even if they do, that countdown clock is ticking.

“The most exciting thing about the Olympics is not the Games; it’s the Olympic Movement.” JOE WEILER

Home Team

All of them call Vancouver home. Ken Bagshaw, QC (class of 1964), is the Chief Legal Officer for the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC). Dorothy Byrne, QC (class of 1977), is his right hand and VANOC’s Vice-President and Corporate Secretary. MP for Vancouver Quadra, the Honourable Stephen Owen, QC (class of 1972), was Minister of Western Economic Diversification and Sport after Vancouver won the Olympic Bid and supported the Own the Podium initiative. Joe Weiler is a Professor with an expertise in sports law. Margot Young is a UBC Law Associate Professor and advocate of our responsibility to respond to local issues that are raised by the Olympics in their full diversity and complexity as a minimum commitment to social justice. Katrina Pacey (class of 2004), is a staff lawyer and the media representative for Pivot Legal Society in Vancouver’s Downtown East Side (DTES).

In most cases, they don’t work together—many of them have never even met—but they are building that inukshuk together. It will take all hands and the skill of a Stanley Park seawall stone balancer to make it stand. To hear them talk, it’s easy to think they might just pull it off.

Olympics 101

Joe Weiler is a Professor of Law at UBC, specializing in sports and entertainment law and more recently law of the Olympic Games. Long practiced in alternative dispute resolution, he has served as Chair of the BC Motion Picture Industry Government Roundtable; on the Board of BC Film; and on the Telus New Media and Broadcast Fund Advisory Board. He served on the District of West Vancouver’s 2010 Olympic/Paralympic Committee, and he is developing his Law of Olympic Games course into a workshop where students in their own



Joe Weiler

way will help to build an intellectual Olympic legacy for course credit. An academic, yes, but Weiler also is unreservedly a fan.

“When the Olympics were awarded to Vancouver I said to myself, you know what Joe, this is the ‘Biggest Show on Earth’. I need to get a lot more serious about understanding what the Olympics are about,” says Weiler. “With the full support of our Dean, I was afforded a research assistant and started to dig into the English-language materials that were available. What I quickly learned was that the most exciting thing about the Olympics is not the Games; it’s the Olympic Movement. It’s what happens between the Games and how one builds to the other.” The process is known as transfer of knowledge, and it’s a crucial responsibility of the organizing committee both to receive and integrate the learnings of the previous Games and to pass its own lessons on to its successors.

Weiler delivers a semester’s course in a two-hour interview, and begins to put the legal, financial and sustainability questions into historical context. “This event started around 730 BC in honour of Zeus, but was killed about 400 AD because of concerns around Christianity, the Holy Roman Empire and the interface with Pagan traditions,” he explains. “It wasn’t until 1896 that the Games were revived in Athens by a French noble by the name of Pierre de Coubertin, who was an educator and wanted to get the world’s youth together for purposes of celebrating human dignity and all of the lessons that could be learned from sport. In the modern days, it went through a period of intense nationalism. It was an element of the Cold War and the boycotts by the West of the Moscow Games in 1980 and the Eastern Bloc of the LA Games in 1984 and the hostage takings and the killings in Munich in 1972. So it got wrapped into world politics, which was far from de Coubertin’s vision.

“The Olympics traditionally had involved some sort of truce, so that the athletes could get through the otherwise warring city-states and get to the Olympics. As you got into the late ’80s it was the force of a lot of good in international geo-politics around, for example, the breakdown of the Cold War. That’s what happened as the backdrop for the 1988 Games in Seoul. I knew nothing about that story until we started digging into these books and then into websites for the law course. One of them was a legacy project of the 1984 Los Angeles Games—the Amateur Athletic Foundation of Los Angeles, the AAFLA.¹ If you ever want to read something about the Olympics, dig in there and just keep clicking.

“The biggest change in the last 40 years,” Weiler says, “is television and sponsorship. Where the revenue streams used to be government support and the gate, now it’s about television. It’s about broadcast rights and sponsorship.”

What stands to supersede even that sea change, though, is the inclusion of sustainability as an Olympic pillar. “The Olympics sort of keys off of key events that are happening around the globe,” he says, naming the release of the Brundtland Report² from Norway and the Rio Summit that led to the UN’s *Agenda 21*³ blueprint for sustainable development worldwide. “The whole issue of environmental ... and social sustainability becomes front page stuff, and sure enough, the IOC is right in the middle of it.”

At this, Weiler switches gears, narrowing his focus to Vancouver and the promises made around sustainability—environmental, economic and social—at the time of the Bid. “It’s all about leveraging off this ‘Biggest Show on Earth.’ But VANOC can’t do it on its own. That’s where

the sponsors can potentially make a real difference. There will be initiatives that come out I would say within the next year, lots of stuff that’s now in the wind, which will be sort of pilot projects, ventures among various sponsors that want to see how they can do it, how they can work with the host committee to make the promises happen.”

Weiler names TeckCominco, a BC-based mining company and the first major BC corporation to sign on as a sponsor. They will supply the metal for the medals for the 2010 Games. “Why did they do it?” Weiler poses the question. “They don’t sell directly to consumers But they require social license to do business wherever they’re operating. For them, it’s the sustainability values of the 2010 Olympics that are attractive, because TeckCominco is the world leader in its sector in terms of environmental and social sustainability. Supporting the message of the importance of sustainability will get out through this Olympic platform.”

Doping, Immigration and Security ... Oh, My!

A profile in *The Advocate* described Stephen Owen as having had careers enough for several men. That was in 1998. He’s added pages to his CV since then. Teacher, lawyer, administrator, human rights advocate, conflict resolver and international consultant, Owen built support for legal aid, consulted for Amnesty International and CIDA, put the BC Ombudsman’s office on the map, was Commissioner of the Law Commission of Canada and Minister of Western Economic Diversification and Sport, and currently serves as the MP for Vancouver Quadra and the Official Opposition Critic for Democratic Reform. There are six letters behind his name on his business cards, but he has 15 to choose from.

¹ www.aafla.org.

² Brundtland, G., ed. *Our Common Future: The World Commission on Environment and Development*. Oxford: Oxford University Press, 1987.

³ *Agenda 21* (June 1992), online: <http://www.un.org/esa/sustdev/documents/agenda21/index.htm> (date accessed: 19 Apr. 2007).

Owen played rugby in high school and then for UBC's Thunderbirds, and is a passionate proponent of sports as a tool to bring kids from warring communities together. Recalling a soccer game that mixed kids from Israel, Palestine and Ramallah, Owen says, "Right at the beginning, all the stereotypes and fears are broken down and they build friendships." Grinning, he adds, "I always get criticized for giving legal lectures instead of sound bytes, but one sound byte I had was 'shoot hoops, not guns.' Let's get sports programs that go on in the evening in inner cities."

As Minister of Sport after Vancouver won the Bid, Owen provided support for the Own the Podium Program, which combines cutting-edge training techniques with technology to shave millimeters and milliseconds off athletes' times and distances—the difference between a medal and an also-ran. "We did double the resources last year in our budget, up to about \$140 million, which is more than

we have ever spent through Sport Canada," Owen says. But then he adds, "I've said controversially and been criticized by sports writers for saying, look, if we didn't get any medals in Athens where Canada was criticized for winning a small number of medals, but every kid in Canada was healthier, I'd be happy. The fact is, we can do them both, and one can inspire the other."

"Let's figure out what's important to us and invest in it."

STEPHEN OWEN



Owen identifies three of the major legal issues tied to the Olympics as doping, immigration, and security. "After the Ben Johnson event in Seoul in '88—seems like yesterday—the World Anti-doping Association was set up in Montréal ... and as Sports Minister I was on the Board and became Chair of their Ethics and Education Committee. We meet two or three times a year to talk about the latest doping technology. That's become sort of the legal underpinning of international ... and Olympic competition." He cites the education challenge involved in hosting people from different regimes with different access

to drugs or different moral codes, as well as that of keeping up with new drugs and doping technologies.

With respect to immigration, the unspoken issue is defection. "You've got people coming from some pretty brutal regimes who will want to stay here and claim refugee status," Owen says, "so there will be a major immigration issue." He pauses. "But maybe that's a good thing, whether we're attracting famous athletes or whether we're having people who suffer from AIDS who will get much better treatment here."

"Another legal issue is security," he states, "and in Athens they went way over their security budget by hundreds of millions of dollars. Now, we've identified it here as \$175 million for security. Things may calm down by 2010, but there could be another terrorist event close to it that could have us doubling or tripling our security costs."

"I was a corporate commercial lawyer, and that's what this is all about. This is a commercial enterprise." KEN BAGSHAW

Ken Bagshaw



With respect to the sustainability promises made in the Bid, Owen says, “I think Canada is on the verge of becoming a really global country. Compared to poverty in any country in the world, we’re actually working that out. Come to Vancouver in the 2010 Olympics and it will be a joyous couple of weeks. We’ve got lots of problems, and I think the Olympics are stimulating even more attention to deal with them.”

He offers a utopian-sounding message that is, in fact, the truth. “We can do it all, and that’s the beautiful thing about Canada, you know,” he says. “We worry about the economic costs of being responsible environmentally, or we worry about this and that. In fact, it’s an immensely wealthy country and we are a generous society. So let’s figure out what’s important to us and invest in it.”

The Law of the Rings

“My entire career has prepared me for this next step in my life,” said Ken Bagshaw when he was appointed General Counsel for VANOC. Bagshaw practiced with Ladner Downs (now Borden Ladner Gervais) from the time he left law school until 2004. He was managing partner with the firm during its merger, and so on top of practicing law learned how to manage lawyers. “How you build loyalty and trust in the team, how you build a sense of mutual support and cooperation, all those kinds of things ... when you go in-house are key to your role.” Bagshaw was principal outside legal advisor to the EXPO ’86 Corporation,

which taught him about events, and the value of his work in construction law needs no explanation. He dealt with the Province and with Crown Corporations, giving him a comfort level with VANOC’s government partners, and served for a time on the Vancouver Police Board. “I was a corporate commercial lawyer,” he says, “and that’s what this is all about. This is a commercial enterprise.”

An academic paper co-authored by Bagshaw, Joe Weiler and others⁴ titled “The Olympic Games, the Law and the Triple Bottom Line of Sustainability” outlines VANOC’s legal structure and ties. Incorporated under Part II of the *Canada Corporations Act*, VANOC does not have shareholders per se, though stakeholders include the governments providing funding, the municipalities hosting the Games, the IOC, numerous sport organizations and federations and the citizens of the host communities and of Canada. The generally broad powers a corporation would ordinarily enjoy are materially curtailed by the existence of a *Multiparty Agreement* between Canada, British Columbia, Vancouver, Whistler, the Canadian Olympic Committee (COC), the Canadian Paralympic Committee and the Vancouver 2010 Bid Corporation⁵ (the predecessor to VANOC). The corporation has a short lifespan (seven years), and its share of net profit will be applied to support amateur sport in Canada.⁶

⁴ Bagshaw, K., Coady, L., Dickson, M., Mohan, A., Pound, Weiler, J., “The Olympic Games, the Law and the Triple Bottom Line of Sustainability,” for the 2006 Conference of the Canadian Institute for the Administration of Justice (CIAJ) (2006). The other authors are Dick Pound of the IOC and Chair of the World Anti-Doping Agency; Linda Coady, VANOC’s Vice-President of Sustainability; Margaret Dickson, VANOC’s Manager of Sustainability Initiatives; and Arun Mohan, a Senior Research Associate with the UBC Olympic Studies Research Team.

⁵ *Multiparty Agreement for the 2010 Olympic and Paralympic Winter Games* (14 Nov. 2002) [*Multiparty Agreement*], online: <http://www.sbed.gov.bc.ca/2010secretariat/Downloads/MultipartyagreementEnglish.pdf> (date accessed: 18 Apr. 2007).

⁶ Bagshaw et al, pp. 37–38.

Not your typical business model. In fact, VANOC is at least 17 businesses in one, responsible for everything from construction, merchandising, catering and event organization to medical and anti-doping services, venue security, protocol and accreditation management, and brand protection. The legal team is responsible internally for corporate governance, and in the broader scope for protecting the corporation's assets. The most valuable of these is the brand.

Go Big or Go Home

"Those five rings are the most recognizable brand in the world," says Bagshaw. They're also the most lucrative. Two budgets make up the operating budgets for 2010. \$580 million is coming from the public sector to pay for venue construction and physical legacies. The remaining \$1.63 billion must come through private-sector sales of exclusive rights to the brand: broadcast rights, sponsorships, merchandising licensing and sales, and finally ticket sales. Only one credit card company, only one bank, one soft drink, one fast food retailer get stage time at the biggest show on earth—and they're willing to pay. CTV beat out CBC and paid the IOC \$155 million for Canadian broadcast rights for 2010 and 2012; American broadcaster NBC paid \$2.1 billion for US privileges. A portion of those monies will go to VANOC, and VANOC's own sponsorship sales numbers to date are unprecedented, with Bell Canada coming in at \$200 million.

"A part of Bell's \$200 million commitment will go to the Downtown East Side for employment and business development,"⁷ says Dorothy Byrne. Byrne is Corporate Secretary and one of VANOC's Vice-Presidents, and was General Counsel and Corporate Secretary for the Vancouver 2010 Bid Corporation. Combined with her 20 years as a specialist in telecommunications law and policy, her institutional memory with the 2010 Games is invaluable. She explains how the values of sustainability are built right into the sponsor selection process: "We said to Bell—we say it to all our sponsors—Here are things that are really important to VANOC besides the Games: First Nations involvement and economic opportunities, Downtown East Side economic opportunities, environmental and sustainability issues. But we don't have the budget to solve all those problems, so sponsor, what's going to become really attractive to us in assessing your sponsorship bid is what you're proposing to do on some of those other issues we care about."

Surprised? VANOC has taken on a lot of "firsts." These organizers are the first to make Aboriginal participation a specific function of their role. They are the first in Olympic history to have completed construction on some of their venues *early*. They're the first to secure such high-dollar sponsorships. They're the first to make themselves accountable to a "triple bottom line" of environmental, economic *and* social sustainability, and they're using international sustainability measurement standards to monitor their progress.⁸

The IOC made environmental sustainability a pillar of the Olympic mission (along with sport and culture) after protests during the 1992 Albertville Olympics embarrassed them into action. After the Earth Summit in Rio in 1991, the UN expanded the concept of sustainability in their *Agenda 21* document to include social and economic aspects of

"We say to all our sponsors, Here are things that are really important to VANOC besides the Games: First Nations involvement and economic opportunities, Downtown Eastside economic opportunities, environmental and sustainability issues. What are you proposing to do on some of those issues?"

DOROTHY BYRNE



decision-making. Social sustainability as a facet of the Olympic movement can probably trace its origins to the 1968 Summer Games in Mexico City, where a massacre left hundreds of peaceful protestors dead.

When it comes to legal accountability, VANOC is beholden to the signatories of the *Multiparty Agreement*. When it comes to social license—meeting the public’s expectations *beyond* the law—however, it will take more than a balanced budget and a big show to satisfy Vancouver. Citizens were promised more, and they’ve got it in writing. As Byrne concedes, though, the government stakeholders have made promises that VANOC alone does not have the power or capacity to keep. The Bid commitments could prove to be VANOC’s downfall—or they could become its greatest legacy, catalysts for a city transformed.

Back to the Bid

The Bid Corporation and its member partners produced the 2010 Winter Games Inner-City Inclusive Commitment Statement,⁹ the document that includes these now-familiar promises with respect to housing: “1) protect rental housing stock; 2) ensure people are not made homeless as a result of the Winter Games; 3) ensure residents are not involuntarily displaced, evicted or face unreasonable increases in rent due to the Winter Games; and 4) provide an affordable housing legacy and start planning now.” They made these commitments in the face of federal government cuts to the building of social housing, a burgeoning Vancouver real estate market and the de-institutionalization of many mentally ill citizens who, left without adequate follow-up or access to services, have become one of the most visible populations living outdoors in the DTES.

⁷ Bagshaw et al., p. 55.

⁸ These tools include the UN Global Reporting Initiative (GRI), the International Standards Organization (ISO), European Eco-Management and Audit Scheme (EMAS) and best practices on Corporate Social Responsibility (CSR). From Bagshaw et al, p. 59.

⁹ 2010 Winter Games Inner-City Inclusive Commitment Statement, online: http://www.vancouver2010.com/resources/PDFs/CommitmentStatement_EN.pdf (date accessed: 18 Apr. 2007).

Since the Bid's success in 2003, Vancouver's construction costs have risen by 40 percent, affecting VANOC's own construction budget; development has saturated the downtown core and has moved eastward into the poorest areas of the city; and homelessness has escalated to crisis level.

The social obligations of the Bid are not legal ones. But they're the ones that gave the organizers their social license, and they're the kind of commitments that make most Vancouverites proud to call this city home. We all have a lot at stake, from the IOC to individual citizens—but none more so than those of the inner city.

"Whether the City... and the Province... and the federal government can handle [housing and homelessness] better than they are now, the answer is an absolute yes."

KATRINA PACEY

Homeless in Vancouver

"Every year we have those that die in the cold and women who don't make it through another night at work," says Katrina Pacey, a staff lawyer with Pivot Legal Society, a 2003 YWCA Woman of Distinction and a recent graduate of UBC Law. Pivot, a non-profit legal advocacy organization based in the DTES, works to advance the interests and improve the lives of marginalized persons through law reform, legal education and strategic legal action. It is run by a small core staff and supported by *pro bono* and volunteer workers and donations. In September 2006, Pivot published *Cracks in the Foundation: Solving the Housing Crisis in Canada's Poorest Neighbourhood*.¹⁰ Its lead author, lawyer David Eby, sits on VANOC's housing roundtable. The report was endorsed by Vancouver Mayor Sam Sullivan and led to the first increase in BC's welfare housing allotment in 12 years. It is dedicated to Francis "Wheels" McAllister, who died of exposure on East Hastings Street in December 2005, at the age of 37.



"If no new low-cost housing is built and the current stock of low cost housing continues to close and deteriorate at its present rate," the report states, "visitors to Vancouver in 2010 will see nearly three times as many homeless people living on the streets ... as they see today."¹¹ That number could exceed 3,000.

Vancouver was recently awarded the dubious distinction of being the 13th least affordable city in the world.¹² For historical reasons that include zoning regulations and the presence of the Port of Vancouver, the DTES became an enclave of low-income housing for the city's poorest residents, with an estimated 5,000 units. As of June 2006, however, Pivot was able to find only *two rooms* in the entire city at \$325 a month, the amount allotted to a welfare recipient for rent.¹³

The reason? With downtown real estate becoming so scarce, and so valuable, developers are now moving east of the core, and Single Resident Occupancy (SRO) hotel and rooming house landlords in the DTES are getting rich quick. Even the \$15,000-per-suite condo conversion penalties imposed by the City aren't slowing them down. Twenty percent of the SRO hotels in the DTES have been sold or put up for sale in the past year.

Katrina Pacey and Pivot celebrated a small but important victory on April 3 when the BC government announced its intentions to buy 11 low-income hotels at a cost of \$80 million.¹⁴ The 300 new units are a long way from the 3,200 needed, but they're a start. Premier Gordon Campbell has said, "This is not the end of this."

While no one interviewed here named the Olympics as the cause of the problems, all conceded it was a contributing factor; in one eviction notice, a landlord stated outright that he was making room for Olympic workers. VANOC is also battling perceptions;

whatever happens, it will look to many as though the Olympics is responsible. Two hundred and fifty units of non-market housing will be made available in Vancouver once the Athletes' Village is vacated in March 2010. But as VANOC's Vice-President of Sustainability Linda Coady has said, VANOC never promised to solve homelessness.¹⁵

Compassionate City?

VANOC hopes to play a positive role, even though it does not bear the responsibility for solving the housing crisis on its own. But have the costs of the Olympics drawn away government funds that could and should have been used to address socio-economic inequities? "The Province could easily solve the homelessness crisis in BC with the funds it's putting into the Olympics," Margot Young argues quietly. A graduate of Berkeley in feminist legal theory and reproductive technologies, Young is an Associate Professor with UBC Law, teaching social welfare and the law, and poverty and the law. She is Chair of the Board of Directors of BC Public Interest Advocacy Centre. She has also worked with numerous NGOs on issues of women's economic equality and justice, and has presented to the United Nations CEDAW Committee in New York on Canada's and BC's failure to comply with obligations under the Women's Convention. "The Auditor General put the cost to provincial taxpayers at \$2.5 billion, not \$580 million, including the Canada Line, the Sea to Sky Highway and upgrades to the convention centre," she continues. "It's certainly true that these things will stay after the Olympics goes ... but it's ridiculous to think that these projects had some independent motivation and would be happening if the Olympic bid hadn't been successful. It's money the Province is spending and, should the Province wish to, it could have spent it on something else."

¹⁰ Eby, D. and Misura, C., *Cracks in the Foundation: Solving the Housing Crisis in Canada's Poorest Neighbourhood*, Pivot Legal Society (Vancouver), 2006.

¹¹ Eby and Misura, p. iv.

¹² "Vancouver is 13th least affordable city in world," *The Vancouver Sun*, January 22, 2007.

¹³ For the past 12 years, welfare has allowed \$325 a month for rent, and \$185 a month for living expenses. As of April 1, 2007, and thanks to Pivot's housing report, those amounts were increased to \$375 and \$235 respectively.

¹⁴ \$80m rescue for tenants," *The Province*, April 4, 2007.

¹⁵ "Past the 50-Yard Line," *The Vancouver Sun*, February 10, 2007.



"These are real people suffering these spending choices."

MARGOT YOUNG

BC has high rates of poverty and has experienced cut-backs in social programs designed to assist the impoverished. "These are areas where that Provincial money could have gone with a much greater legacy, I would argue, than the three-week party that's coming to us in 2010. It's a question of choices, isn't it? It's important for us to remember that these issues are very real to the person sleeping on the grate outside the downtown building," Young says, "to the single mother using food banks and suffering malnutrition because of her low welfare rates. These are real people suffering these spending choices."

Pacey, a former student of Young's, agrees. "It's incomprehensible to me that we don't put the resources in, given that it's such a wealthy city and it's such a basic human need ... to have a roof over your head and somewhere safe and warm to be. Vancouver is a compassionate city, I do believe that." A recent

poll supports her belief.¹⁶ Vancouverites feel homelessness should be the City's top priority over the next two years (25%), well above crime (7%) or the Olympics (4%).

"Whether or not housing and homelessness in Vancouver can be solved by 2010 is one question," Pacey says. "Whether the City ... and the Province ... and the federal government can handle it better than they are now, the answer is an absolute yes. My hope is that the different levels of government at least make a concerted effort to honour their promises. I hope that the voice is loud from the Downtown East Side and I hope that the people who are living in poverty and the people who have been harmed by the lack of care and attention to this issue scream loud ... and I hope that the world can see what's happened." Professor Young is working with law students from the student organization Social Justice Network to plan a fall panel discussion of the social justice issues critical to Vancouver's hosting of the Olympics. Professor Young observes that we as a faculty and profession

must think critically about events around us, to ensure that our understanding of these events is informed by the perspectives of the most disadvantaged and their entitlement to equal concern and respect on a routine and non-exceptional basis.

Where the Heart Is

How will our home be seen by the world in 2010? Will an audience of billions be impressed by the accomplishments of VANOC and its public and private partners as much as they are inspired by the exploits of the Olympic athletes? Is it possible that the athletes themselves can inspire us to create the world's most sustainable Olympics?

UBC's Joe Weiler believes athletes may, in fact, provide an important piece of the puzzle. Citing examples from past Olympic experience, the entertainment and the sports world, Weiler and research associate Arun Mohan write, "NGOs, celebrities, and athletes can play powerful and potentially complementary roles ... in order to stage mega events, such as the Olympic Games, in a sustainable manner."¹⁷ Weiler and Mohan recommend that, using print media, television and the Internet, NGOs and organizers leverage the "superhero" status of celebrity athletes to advocate for sustainability at all levels. Who knows; perhaps Weiler will see a ready-made team in UBC Law's own roster of Olympic competitors and recruit them to the cause. VANOC has certainly set the stage for such collaboration by establishing communication links with activist organizations.

"You've got to wait to see what happens in the inner city," Weiler acknowledges, "but everything is looking good at this point. Once you make a promise to the world, it's a good idea to keep the promise. So September of 2008,

look out. The accredited media ... are really here to talk about the athletes and the competitions. The non-accredited media, which is a larger contingent, they're going to talk about the place. So if we haven't made headway, the world's going to know about that."

Referring to VANOC, he adds, "The people that you've talked to, all of them are totally committed, you wouldn't believe how these people are working down there and it's a lot of pressure. They can't do everything, but they can help to turn the corner and gain momentum towards the contributions which would otherwise never happen, and this law school and its alumni are right in the heart of it. That's the beautiful thing about it."

Pacey emphasizes that there are opportunities to contribute at every level. "I'm constantly inspired by those people who, given that they have chosen to work in a more conventional legal environment that has its own pressures and demands, find time to take on a *pro bono* case or to volunteer or to support financially a non-profit society or human rights organization," she says. "I would ask that lawyers realize the incredible skills they have and put those skills to use. Pivot provides space for anybody who's got that kind of legal training to come and take on an issue in a really supportive environment."

Her words echo the UBC motto, visible as you enter the university's gates: don't wait for Ottawa or corporate Canada; don't leave it to the Vancouver Agreement or the Civil City Initiative or the 2010 Winter Games Inner City Inclusive Commitment Statement; it's not just up to government or the social service agencies or the Olympics organizers. If this city is truly to be a place all its citizens can call home by the time of the 2010 Winter Olympic Games, *tuum est*. It's up to you. It's up to us all. ●

¹⁶ "Homelessness tops list," *The Vancouver Sun*, January 16, 2007.

¹⁷ Mohan, A., and Weiler, J., "The Collaborative Tales: Exploring the Role of Public Engagement in Achieving Sustainable Development within the Olympic Movement," for the Canadian Institute for the Administration of Justice Conference (October 12-13, 2006) p. 4.

Dream TEAM

by Diane Haynes

UBC Law Alumni at the Olympics

They range in age from 27 to 64 and have competed in nine different events. They are 19 strong and they are all part of the same Olympic team. Ours.

Nineteen UBC Law alumni have competed in 11 Olympic Games over a forty-year span. The seven profiled here have led the world in their sport; been among the first women to compete in their sport; overcome injury to contend again at the

Olympic level; faced down physical challenges to compete at the Paralympics; qualified for four Olympic Games; married another Olympic athlete; brought home the gold; and found ways to give back to the community and the university that helped them succeed.

Highlighted below is the complete list of law alumni who have contended for the title "best in the world." We salute you all.

THE HONOURABLE DAVID CAMPBELL

Class of 1949, Basketball

FRED ROWELL

Class of 1949, Track and Field

PHIL KUEBER, QC

Class of 1958, Rowing

THE HONOURABLE DAVID ANDERSON

Class of 1962, Rowing

DAVID GILLANDERS

Class of 1965, Rowing

GEORGE HUNGERFORD, OC, QC

Class of 1968, Rowing

TOM DINSLEY

Class of 1969, Swimming/Diving

THE HONOURABLE BRIAN SAUNDERSON

Class of 1969, Rowing

JOHN RICHARDSON

Class of 1971, Rowing

NORMAN K. TRERISE

Class of 1974, Track and Field

THE HONOURABLE WILLIAM SMART

Class of 1975, Track and Field

PAUL COTE

Class of 1977, Sailing

ALAN HOBKIRK

Class of 1979, Field Hockey

DAVID BISSETT

Class of 1980, Field Hockey

AUDREY VAN DER VELDEN

Class of 1981, Volleyball

DR. TRICIA SMITH

Class of 1985, Rowing

BRUCE MANDEVILLE

Class of 1986, Equestrian

DOUGLAS HARRIS

Class of 1998, Field Hockey

IAN BALFOUR

Class of 2006, Alpine Skiing



Gold medalist, rowing,
1964 Summer Olympic Games,
Tokyo, Japan



George Hungerford (left) and Roger Jackson



240 Strokes

I can still visualize that race well. A rowing race in the Olympics is about 240 strokes, give or take, over 2,000 metres. You break down your race strategy into 500 metre quadrants. My partner, now Dr. Roger Jackson, and I were not the favoured pairs team. Our even making the finals was definitely a surprise to the rowing world. But we had the fastest times in the qualifying heat, so we knew we were competitive.

George Hungerford was playing rugby when he was sidelined by a shoulder injury. To get back in shape, he turned to rowing, a sport he'd learned at Shawnigan Lake School on Vancouver Island. He soon realized that UBC was the place to row for anyone with Olympic aspirations, and that he had a chance to time the peak of his rowing abilities to coincide with an Olympic year. He never looked back.

It's a gut-wrenching sport. It requires a huge amount of concentration—there's only two people in the boat with only one oar each. You have to be in perfect synchronization with your partner. You're going full out all the time. But there are points in the 2,000-metre race where you attempt to make your move. It has to be a total team effort.

Hungerford is a senior business law partner at Fasken Martineau DuMoulin LLP, specializing in real estate, tourism and entrepreneurship. He says of rowing, "The sport gave me the ability to organize myself and focus, to work together with teammates toward a common goal, a common vision. Whether it's rowing, law practice, marriage or whether you're out in the community, invariably there's teamwork involved. That's what I really enjoy—working with a team that's committed to a common goal."

About the 900-metre mark of this race, we decided this was the point we were going to make our move and we put together probably about 30 strokes ... where I found the energy, I don't know, but we rowed flawlessly through that stretch and we

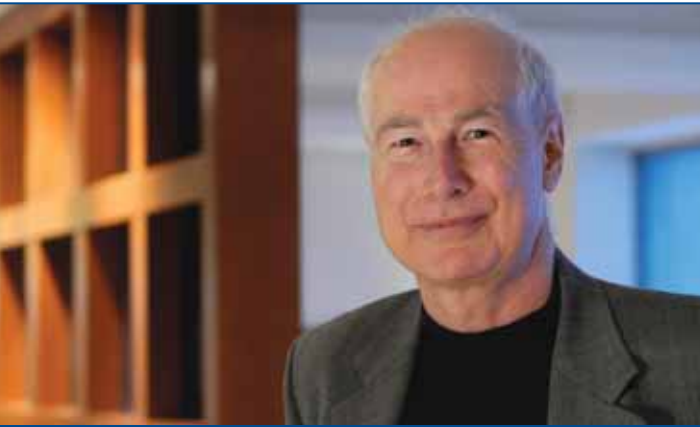
came out of that 250 metres of sheer exertion with a lead of about a length and a half. That's a fair amount of water. The favoured Dutch and Germans and the other crews had been watching each other—that's the only way we can explain it. So from the 1,200-metre mark to the finish line, our task was to maintain that lead.

Hungerford has served on the board of the Salvation Army as well as several other charitable organizations; was a member of the bid team for 2010; serves on the 2010 Games Operating Trust Society, which oversees a \$130 million legacy fund; and is Chair of the UBC Rowing Richmond Boathouse Initiative, which opened to athletes this past fall. "In the last 30 years," Hungerford says, "there hasn't been a place for UBC Rowing to call home. I think you can expect even greater things from UBC teams in the years to come." He also says there are "a lot of fine Paralympic athletes that are going to do very well at the Olympics in Beijing in '08."

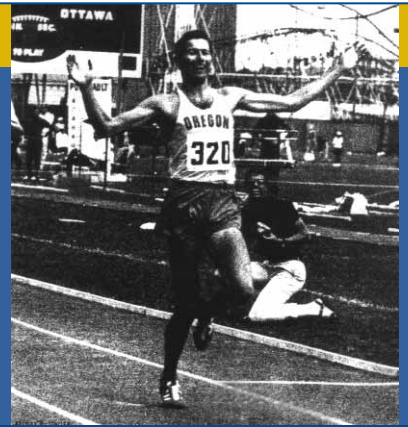
We maintained our pace and it was a photo finish at the end. I don't think I could move for 15 minutes after that, but what elation ... when we saw our names flashed up on the big score board and realized what we accomplished! You don't go to the Olympics without a dream. Our dream was to do our best and to represent our country and if that took us to the podium then that would be a fantastic bonus. And it all worked out. It was a life-changing event for me.

Hungerford and Roger Jackson took home the gold—the only one for Canada at the 1964 Games—and stayed lifelong friends. Thrust into the limelight, Hungerford quickly learned how to manage success and to invest its benefits back into the family, the university and the community that had helped him achieve it.

There are times in life where I've faced seemingly insurmountable mountains, whether it be in my practice or other parts of my life, where I look back at that rowing experience and I say, I can do it.



Olympic competitor, track and field, 1968 Summer Olympic Games, Mexico City, Mexico



Runner's High

Mexico City, October, 1968. It's the year of the Fosbury Flop, the first doping tests, the first woman to light the Olympic cauldron—and all at 2,240 metres above sea level. Olympic and world records are set and broken and broken again in the rarefied air: long jump, high jump, triple jump, pole vault and sprints. But for the middle- and long-distance runners, the altitude has the reverse effect. “It was a huge factor,” says Trerise, the memories flooding back. “The feeling is that you just want to lie down and go to sleep. There were some very good athletes that weren’t able to perform anywhere near their best, and that would have been devastating. I was lucky that I was able to perform well.”

A member of Canada’s track and field team (now known simply as “athletics”), Trerise’s event was the 1,500 metres, or the metric mile. His personal best was 3:39.6, a Canadian record at the time. The altitude added only eight seconds, putting him in the top 13 in his event.

“I made it from the quarter final to the semi final,” Trerise recalls. “I was tremendously excited. And then in the semi final I did not perform well at all, and didn’t make it. That was tremendously depressing. But what I remember more than anything else was being proud to be there and to have competed at my best on at least one of the two occasions when I stepped on the track.”

Trerise left Vancouver to study history at the University of Oregon, and it was as a junior in college that he competed at the Olympics. An historic event by any standard, Trerise’s journey to Mexico City that fall also immersed him in history on a grand scale.

Fifteen thousand Mexican students, wanting to take advantage of the attention focused on the Olympics, marched through the streets carrying red carnations and gathered in the Plaza de las Tres Culturas chanting, “*No queremos olimpiadas, queremos revolución!*” (“We don’t want Olympic games, we want revolution!”) Ten days before the start of the Olympiad, at sunset, police and military forces equipped with armoured cars and tanks surrounded the square and fired live rounds into the crowd. Government sources put the casualties at “4 dead, 20 wounded,” but independent sources reported 200–300 deaths. The event is known as the Tlatelolco Massacre.

Back in Vancouver, a degree and an Olympiad under his belt, Trerise was unsure of his next step, and took an aptitude test to help him decide on a direction. “Law, teaching or the priesthood,” came the results. He chose law.

Trerise is currently a senior litigator in the labour and employment group at Fasken Martineau DuMoulin LLP. Comparing his work to civil litigation, where he started out, Trerise says, “It’s more of a ‘get in there and roll up your sleeves and do it’ kind of discipline. In labour law, you just go straight to the heart of it.” He draws clear connections between the work he does now and his days as a world-class athlete. “You get to learn about yourself, what your limits are, where your strengths are,” he says. “You develop resilience out of athletics because unless you’re extremely talented, you win some and you lose some, and that resilience is crucial to trial work.”

Trerise is a committee member for an initiative to put a track on the University of British Columbia’s main campus. “It’s been a long time since the university had a proper track and field facility,” he says. “Along with rowing, track and field has been incredibly productive at UBC for putting people on the Olympic team. What supporters can look forward to is UBC track and field getting back to its former level of glory.” The name of the initiative? On Track.

Olympic competitor, captain, field hockey, 1979 Summer Olympic Games, Montréal, Canada



Alan Hobkirk (far right)



Home Turf

His father was a member of Dean Curtis's second graduating class in 1949. He attended University Hill School and played field hockey where Gage Towers now sit, urged into the sport at age six by Dr. Harry Warren, an Olympic sprinter, Rhodes Scholar geology professor and friend of George Curtis. Two of Curtis's boys were teammates. A Rhodes Scholar himself; UBC Law alum and former adjunct professor; Olympian field hockey player; UBC Sports Hall of Fame inductee; and Partner with Miller Thomson LLP, Alan Hobkirk can trace the beginnings of most of the major facets of his life back to those early days at UBC.

During his first year with the UBC team, Hobkirk recalls, "Peter Burns (who had just come to UBC from New Zealand) was the coach of the field hockey team. Years later, I ended up in law school in his first-year torts class!" He remembers George Curtis's guest lectures in constitutional law: "He talked about the waving fields of wheat in Saskatchewan and it was all tied into constitutional law issues, so he very much brought it to life for me."

Hobkirk easily brings to life one of his own favourite memories of the 1976 Olympic Games. "We'd been waiting out in an open field for several hours, being drilled by a retired sergeant major in how to march," he recounts. "We were all getting very anxious and overheated waiting to go in. And then we walked down the tunnel into the stadium and this roar started, became cumulatively louder as we entered the stadium and it was absolutely deafening. It was a wonderful high to start the Olympic Games on. I'll never forget that."

The 1976 Olympics saw the first major international hockey tournament held on artificial turf, a technological innovation pioneered by Canadians in response to Montréal's sudden summer storms and resultant flash floods. Hobkirk played full

back (or sweeper back). "Our archrival [had] always been Argentina," Hobkirk explains. "We played them in our second game in Montréal and we played an absolute blinder of a game and beat them 3-1, which was a huge upset. We garnered a lot of publicity nationally and were on all the sportscasts. Unfortunately, one of our best players was seriously injured—he had his cheek bone and eye orbit fractured by an Argentinean defender's stick—and he was gone for the tournament. That was the last game we won. It was a great thrill while it lasted."

Hobkirk was named UBC's Outstanding Sportsman for 1979; won the University's Big Block Award five times; and was inducted into UBC's Sports Hall of Fame in 1994. He has worked on sports law issues on a *pro bono* as well as a professional basis, and says, "The advantage of having played at a fairly high level is that one tends to understand that there are often undercurrents present that do not represent the pretty side of sport."

Hobkirk likens the preparation that goes into athletic competition to preparing for trial, and says, "The idea of being physically fit for a trial, particularly a longer trial, holds every bit as true as it does for going into a hockey tournament. The days are long, the opposition is tough, uncertain events occur." He played hockey up until about three years ago, and now works out at a gym close to his office: "Just a little bit a day or every other day makes a big difference."

Hobkirk coached junior boys for many years and was Assistant Manager of the UBC Thunderbirds Field Hockey Team for its Spain Tour in 2006-2007. His oldest son, Michael, was a member of that team and the national squad. Another son, Brian, will be playing at UBC in the fall. Hobkirk is enjoying his time as a spectator, spending lots of time at UBC's new field. "It's a small world," he says of the ties that keep him coming back to his alma mater. "It's been a great relationship."

Silver medalist, rowing, 1984 Summer Olympic Games, Los Angeles, USA; Olympic competitor, 1976 Summer Olympic Games, Montréal, Canada; 1980 Summer Olympic Games, Moscow, USSR; and 1988 Summer Olympic Games, Seoul, Korea



From Day One

Four-time Olympian: 1976, 1980, 1984 and 1988. Olympic silver medalist, Commonwealth Games Gold Medalist and seven-time World Championship medalist. Six-time recipient of both the Sport Excellence Award of the Government of Canada and the BC Premier's Athletic Award, and nominee for the BC Athlete of the Quarter Century. Member of the UBC, BC and Canadian Olympic Sports Halls of Fame. Named Canada's Chef de Mission for the 2007 Pan American Games, and recipient of the 2006 Carol Anne Letheren International Sport Leadership Award, in recognition of her 30-year contribution to sport as a competitor and volunteer leader.

Interesting to think what we might have lost if, in 1976, the Olympics had not finally opened rowing to women. "I'm Chair of the Women's Commission for the International Rowing Federation," says Tricia Smith, "and we've supported a Ph.D. project being completed by a UBC student on the history of women in rowing. Reading the draft of her thesis, I realized how much we were a part of the early days for women in international rowing. It is incredible. Now I understand why men had difficulty seeing where we fit in. It was totally new to them, and I was there as a young woman saying, 'What's your problem?' not knowing that they had never seen us there before. Going to the Vancouver Rowing Club and not being able to touch the men's equipment." She pauses. "Rowing equipment." She laughs.

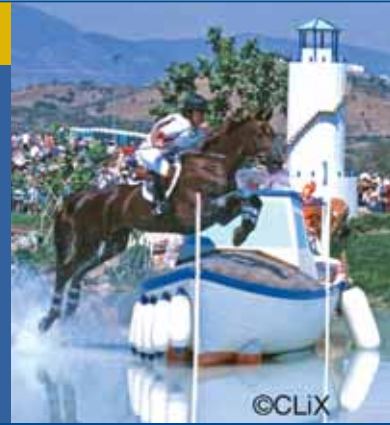
Smith grew up on the beaches near UBC in a big family that didn't differentiate between boys' activities and girls'. She swam competitively until she was 16 (and her sister Shannon is an Olympic medalist in swimming), when a former teammate who had already entered university issued a challenge she couldn't refuse: "You should come out and row, it's really fun and the eighth person for the women's eight keeps sleeping in." Smith recalls having to get up before the CBC came on the air. But as soon as she got on the water, she says, "I loved it from day one."

Her long Olympic career coincided with her years in law school, where typically students could not take a single semester off without losing an entire year's work. She recalls, "Professor Reid was incredibly good to me in terms of making it possible for me to train and compete as an Olympian and also attend law school." Smith is currently a partner at Barnes Craig & Associates, managing claims for liability insurers, providing risk management consulting and acting as an arbitrator on sports issues. She talks about carrying athletic skills such as goal-setting and teamwork into her work as a lawyer, and remembers being dismayed early in her career by the typical understanding of teamwork: "I'll take what I need for myself first and then of course I'm dedicated to the team," she recites. "Yeah, but if you just all work together as a team, there will be more at the end for yourself and your family!"

She's living proof. In 2001, UBC awarded her with an honorary doctorate for her involvement in international sport, international sport development and sport and the law. "That was a huge honour," she says. "I'll never forget my dad in the front row of the balcony of the Chan Centre and the wonderful smile on his face." Smith is a member of the Executive of the Canadian Olympic Committee, a board member of the International Council of Arbitration for Sport and a volunteer with Legacies Now. She was the first woman to be elected Chair of Sport BC, was a board member of the Rick Hansen Foundation and was part of the Bid Committee for the 2010 Winter Olympic Games. "You get to a point in your life where you find you can actually be part of the decision-making process that can change things for the better," she says, "and I'm very proud of that."



Olympic competitor, equitation, 2000 Summer Olympic Games, Sydney, Australia; and 2004 Summer Olympic Games, Athens, Greece



Getting Back on the Horse

The doctors said he'd never ride again. "I was jumping a horse in the back field of the farm I was working on," recalls Bruce Mandeville, "and the horse stumbled on landing and fell underneath me. My knee hit a boulder. It shattered my femur in five places. Getting from the ground onto the stretcher was the most painful experience of my life. I had lots of surgical hardware implanted. But it wasn't that bad an injury. I didn't have any trouble getting back in the saddle."

That was May, 1998. Mandeville was riding again by September, and went on to compete in the 2000 and 2004 Summer Olympic Games. Never say never—to a lawyer or an athlete.

Mandeville has represented Canada in equine Three-Day Eventing since 1994, competing in two Olympics, two Pan-American Games and two World Championships. Eventing has its roots in the chariot races of the original Olympics, and in modern times began as a test for military mounts. Introduced into the 1912 Olympic Games and referred to as the *Militaire*, eventing consists of three components: dressage, to demonstrate the horse's elegance and training; cross-country, a reenactment of the dispatching of messages between army camps, to showcase the horse's speed and technical abilities; and stadium jumping, to prove the horse's enduring fitness after the cross-country event. Olympic eventing was originally open only to military officers. In 1924, it was opened to male civilians, and in 1964 to women. Equestrian sports are the only Olympic events in which men and women compete against one another.

An all-around athlete, Mandeville was a competitive skier and winner of the British Columbia Slalom Championship in his teens, and began Three-Day Eventing at 13 with Canadian Olympian Nick Holmes-Smith. Surrounded by a family of science majors, doctors and dentists, however, Mandeville was encouraged to pursue academics, and for a number of years gave up sports to do so. He earned three diplomas in French from the Sorbonne as

well as a combined commerce and law degree from UBC, and says law school gave him the ability to see a situation from another's perspective: "That's an invaluable tool to have for life in general," he says, "to be able to look at situations from many sides." By 1990, though, he was back on a horse, looking at things from above.

As an equestrian, Mandeville's "team" consisted of himself, his horse and his groom. "I don't know how it is for other athletes," he says, "but for people that rely on a horse, we have so many variables that if anything goes wrong, it could mean you can't even compete. Getting to the Olympics, it's always like, 'Am I really here?'" His groom Sarah Weldon, now an osteopath in England, worked with him for 15 years. They and Canadian Trakehner mare Larissa made the long journeys to Sydney, Australia and Athens, Greece, placing 22nd and 41st respectively.

Mandeville has supported his athletic career by teaching, running clinics on equitation, and by managing barns, which has included writing contracts for boarding, sales, breeding and syndication. He is now Chair of the Equine Science Department at Otterbein College in Ohio, combining athletics and academics in the best of both worlds. His courses include Legal Aspects of the Equine Industry, and he is in the process of establishing a program in Equine Facilitated Psychotherapy. Animal Assisted Therapy of all kinds takes advantage of the healing bond that can exist between humans and other species. People dealing with psychological trauma or addictions can benefit simply from being in close proximity to horses, which so closely mirror human emotions. For those with physical challenges, getting on a horse can provide an experience of physical freedom and mobility they might never otherwise experience. The link is easy for Mandeville to understand; from injury to international competition, he has shared almost every rise and fall with a horse.



Olympic competitor, field hockey, 1988 Summer Olympic Games, Seoul, Korea



How You Play the Game

Canadian sprinter Ben Johnson set a new world record in the 100 metres only to have it stripped away after testing positive for steroid use. Canadian sailor Lawrence Lemieux was poised to win the silver medal in the Finn class when he abandoned the race to save an injured competitor, finishing 22nd. He was awarded the Pierre de Coubertin Medal for Sportsmanship. For Canada, 1988 represented the worst and the very best the Olympics has to offer. Here, Doug Harris shares his own best and worst memories of the 24th Olympiad.

I was 22. Seems like a whole other life. The Olympics are understood as the pinnacle of sport and there's a long journey to get to them. For me, it started as a kid playing field hockey in the community league at 10. In the Olympics, there are only 12 teams that qualify in men's or women's field hockey, so a big hurdle for Canada has always been to qualify. Our route was through the Pan-American games in 1987 in Indianapolis. We beat Chile in the semi-finals on penalty strokes. We met Argentina in the final. Argentina has been one of the top six or eight teams in the world for a long time. We beat them three to one, and it was an amazing experience, just a phenomenally positive experience. So we knew in August 1987 that a year later Canada would be at the Olympics.

But it's the country that qualifies, not the players. So there was a hard year of training and it was a very mixed year for me. We had a number of tours ... and in Belgium I got a ball square in the face and broke my nose and was out for 10 days. Then I got sick at the end of the tour and it turned out it was mono. After that tour, I was cut from the team. This was June 1988 and the Olympics were in September. I assumed that my Olympic dream was on hold, at least this time around.

The national team went on another tour and things didn't go well. About a month before the Olympics I was picked up again, not feeling much like an Olympic athlete because I'd been on the sidelines, but nonetheless absolutely delighted, and excited to be going.

We got there two weeks before our first game to acclimatize. Early in the tournament I tore my hamstring muscle as a function of not being able to train fully in the preceding months. I remember trying to hold it together with my leg and just not being able to. So the team that had been so strong the year before in qualifying unraveled a little at the Olympics. In the end, we finished 11th. We beat Kenya in the final, but we'd gone in ranked 8th, so we were a pretty disappointed crew.

Harris continued to train, and came close to qualifying for the Olympics in 1996, but by then academics had become his primary focus. He earned his B.A. in history in 1990, his LL.B. at University of Toronto, his LL.M. at UBC in 1998 and his Ph.D. at Osgoode Hall in 2005. He teaches First Nations, property and fisheries law at UBC, and is just finishing a book about the relationship between Indian Reserves, access to fish and the prevailing legal regime.

He still plays the game with the Vancouver league: "I love being on the hockey pitch. I love the high of a play well made," he says. Married to former Olympic field hockey player Candy Thomson and coach of their eight-year-old's team, he carries the lessons of the field into his classroom. "One coach in particular," he says thinking back, "it was just so clear he didn't want to be anywhere else, that this was his passion, and that enthusiasm was so infectious. It's lessons like that that I try to bring into my work as a teacher."



Paralympian competitor, alpine skiing, 1994 Winter Olympic Games, Lillehammer, Norway; 1998 Winter Olympic Games, Nagano, Japan; and 2002 Winter Olympic Games, Salt Lake City, USA



Faster Than the Speed of Life

The Paralympic Games are the Olympic Games equivalent for persons with a physical disability. Ian Balfour is the only Paralympic athlete to be profiled in this feature, and the only Winter Games competitor. But as a three-time contender, the 27-year-old makes a fitting representative.

Balfour was born without the lower portion of his right forearm, and grew up ski racing against able-bodied kids. His entry into the Paralympic movement was abrupt: “One day, the coach of the of the disabled provincial team came up and said, ‘Why don’t you come and race for us?’” Balfour recalls, “and I thought, ‘Well, what the hell!’ So I gave it a shot and I made the provincial team at age 12. Two years later, they took me to Lillehammer. It was a shocking experience because I was so young. But I think one of the reasons my coaches took me was to get me over that first experience of the Games. It can be overwhelming.”

Alpine racing consists of the Downhill, the Super G, the Giant Slalom (GS) and the Slalom. The first two are considered speed events; the second two, technical. Most athletes compete in one category or the other. Balfour raced all four. Training while attending high school and university, Balfour won the Downhill Alpine Skiing World Championship in Anzère, Switzerland, and spent five years on the World Cup circuit, winning the Downhill in Kimberley, BC, in 2001. Two days after the win, he tore his right knee apart in the GS. UBC doctor Paul Wright reconstructed it, and six months later he was back on snow. With Lillehammer and Nagano under his belt, Balfour was looking to Salt Lake City as his chance for an Olympic medal.

In Utah, Balfour won two of the three Downhill training runs—used to gauge speed, which can exceed 120 kilometres an hour, and find the fastest line down the mountain—and was favoured to win the event. Fast out of the gate, he skied the start of the race well, and was soon approaching Draba Drop, a blind jump at the halfway point. In training, he had been pressing the jumps, keeping his weight down and back to minimize his time in the air and get himself back onto snow, where the control was. But this time, he pressed down a split second too soon.

I flew about 45 feet, about eight feet in the air. I pushed the tails of my skis down and they pulled me to the ground. I hit hard. I was later told by the doctor that my quads contracted with such force that it re-tore 40% of my ACL [anterior cruciate ligament].

There’s a long left turn after the jump, and I remember that I couldn’t hold my line. I couldn’t understand—it wasn’t the snow, it wasn’t my skis. Then I turned to the right and that was fine, so I knew there was something wrong. The problem continued as I approached the last jump leading into the finish area. The stands were full of people—my parents, my teammates and all the cameras. I flew off, landed and crossed the finish line, but I couldn’t stop on my right foot so I ended up crashing. I actually have a picture of me after crashing into the finish mats, looking up at the scoreboard. I love that picture. There’s that moment when you just realize that you go for four years and then—it’s gone. I came in fourth.

There’s a Hallmark card that says on the front, “I wonder what ever happened to that Agony of Defeat guy” On the inside, it reads, “I bet he just walked it off.” Balfour skied it off in the Slalom five days later, right knee bandaged and braced. He even won the first run.

Balfour is currently articling with Blake Cassels & Graydon LLP in Calgary and is interested in tax and corporate law in the areas of oil and gas. He was UBC Law’s Class Valedictorian in 2006, walking away with four scholarships, and he makes special mention of Professor Keith Farquhar’s mentorship: “He is a very intelligent, articulate person who always made time for me and always made everyone laugh.”

An inductee of the Sports Hall of Fame in his hometown of Lethbridge, Alberta, he is also a member of the World Anti-Doping Agency and a Team VISA Mentor/Ambassador, mentoring Olympic and Paralympic athletes since 2005. “This ambassadorship has allowed me to help younger athletes,” says Balfour, “and athletes who are going through the same issues I went through.”

As for that “disability,” Balfour says, “I think everyone has issues, and I don’t think my life has been any tougher than anyone else’s. My parents were really good to me and I’ve just always adapted. It’s just sort of how you approach life.” ●

Geneva

by way of Japan



VICTORIA DONALDSON

CLASS OF 1993

by Diane Haynes

“I’ve never done first-year law school!” laughs Victoria Donaldson, a Counsellor with the World Trade Organization’s (WTO) Appellate Body Secretariat in Geneva. Her Stanford BA in International Relations, which included a year at the Sorbonne, let her skip the first year of her Bachelor of Laws at Oxford, which in turn put her directly into second-year law at UBC. From there, it was straight into a clerkship at the Supreme Court of Canada and then a Master of Laws at Harvard.

Donaldson holds Bar memberships with the Law Society of BC, the New York Bar and the Law Society of England and Wales, and is conversant in French, Spanish and Japanese. The omission of first-year law does not appear to have held her back.

Donaldson traces her current work back to her first class in international trade law with UBC’s Chris Thomas, and recalls working as an editor for the *UBC Law Review*; volunteering with the LSLAP clinic; competing in the bilingual Laskin Moot; and winning awards in both Appellate Advocacy and Japanese Legal Studies. She credits UBC Law with much of her “luck,” but by all indications, she has made her own.

Did you take the “road less travelled” even as a child?

I think I was relatively conformist as a kid growing up in Kamloops. Probably the first “road less travelled” that I took, after my last year of high school, was going on a Rotary Club exchange program to Japan for a year. That really opened my eyes to experiencing another culture and new ways of doing things and gave me a different perspective on where I came from and my own cultural references.

Was that the appeal for you in pursuing an international career?

I think it's a mix of constantly being challenged to look at things in different ways while at the same time being reaffirmed in your faith in humanity by the similarities in people no matter where they come from. I like the richness of interacting with people who bring different things to the table. It doesn't necessarily have to be international to provide that, but for me that is part of the pleasure of it.

I'm looking at your CV: Paris, Brussels, Geneva.

A very cosmopolitan career path!

It was a combination of interest and serendipity. While I was at Harvard, I applied to law firms in Washington and Brussels that, at the time, were the places that did international trade law, and accepted a job in Brussels. I went to Cleary, Gottlieb, Steen & Hamilton and a week after I arrived, the trade partner announced he was leaving the firm. A lot of the work I had been expecting to do left the firm with him, so instead I was doing a lot of European competition work.

The firm said, well, if you want to try and develop a trade law practice then we'll support you. But as a relatively junior associate, it's not very easy to build up a practice. So they suggested that I apply for an internship at the WTO to get some direct experience. Which I did. And was turned down. So I was sort of at this crossroads.

A client who was also a friend was working for Carrier Corporation, a manufacturer of air conditioners, in Paris and she suggested to me that I go there, have some time to think about what I wanted and in the meantime enjoy a different challenge doing mergers and acquisitions as an in-house lawyer. So that's what I did.

While I was there, the WTO called me back and said, Look, we remember you. We have a competition for a new post that's just been created and if you are interested, you might want to apply. So I applied and got the job, and in the end that was really exactly what I wanted to do. Trade law had always been my primary interest.

Where did that interest originate?

During my undergraduate studies in International Relations at Stanford, I did both international economics and international political science, but I was more interested by the economic side. I actually did my undergraduate thesis on the US/Canada Free Trade Agreement, which had just been negotiated at that time. By the time I got to my Master's at Harvard, NAFTA had just been negotiated so I ended up doing my Master's thesis on that.

You once described your current job as a kind of clerkship, except that you have seven “bosses” instead of one, and the parties in the disputes are countries. Could you expand on that description for readers of the alumni magazine?

The Appellate Body is essentially an international tribunal that decides appeals in trade disputes between the Member States of the WTO. The seven judges who make these decisions are not based in Geneva, but their Secretariat (where I work) is. We are ten lawyers, a Director and four administrative assistants. Our function is to support the Appellate Body—for the lawyers that means helping as necessary with legal advice and analysis. Whenever an appeal is made, three of the seven judges are randomly selected to hear the case. We then assign an appeal team to them, which normally consists of

two lawyers (unless it's a particularly complex case, in which case there would be more) and a secretary. We prepare memoranda for the judges on the case ... before they come to Geneva, based on the written legal submissions we receive from the parties prepared by either government lawyers or a private law firm, and our own analysis. The judges come to Geneva and there's an oral hearing where the parties present their arguments and are subjected to questioning.

One of the big differences between being a clerk and my job here is that we participate in the meeting with the judges when they're preparing for the hearing, when they have their deliberations and after the hearing when they're discussing what they think of the case. Sometimes they'll ask us for advice in the course of their deliberations, so we're very privileged and it's quite fascinating to see the process of decision-making in action.

Once the decision has been written, it has to be translated from English into the two other WTO languages, French and Spanish, before it's released. Professional WTO translators do the work, but the lawyers have to check the final

results very carefully to make sure that all three language versions are consistent. So that's the core function of what we do and that can be quite intense because each appeal by treaty has to be finished in 90 days, which is an extremely short period compared to most courts and tribunals.

But we don't have appeals all the time—we tend to get between five and 12 appeals a year. One other core WTO activity we do when we're available is capacity building for developing countries. Sometimes we run courses in Geneva and bring government officials from developing countries here and we teach them about WTO law. Sometimes those training activities will take place in the developing countries themselves.

You mentioned "core WTO activities?"

The WTO has four main areas of activity: monitoring and surveillance of the existing trade treaties; negotiation of new rules; dispute settlement; and capacity building. My main activity is dispute settlement, but I also help out in capacity building when time and workload permit.

Which aspect of your work do you like the best?
The variety!

Getting back to that cosmopolitan quality of international work, what's your lifestyle like in Geneva?

Geneva offers a lot in terms of outdoor life, which is something I always loved about Vancouver. In the summer there's hiking and water skiing. I do quite a lot of running and hope to complete my third marathon this year. In the winter I ski as much as possible. There are probably 25 ski resorts within an hour and a half's drive of Geneva.

It has many of the advantages of BC's west coast but it's right in the heart of Europe. It's surrounded by France on three sides, so you can go grocery shopping in France if you want, and it's a three-and-a-half-hour train ride to Paris, four-hour train ride to Milan, two hours to Lyon, and just a short plane ride to London, Brussels or most European destinations.

Composition of the Appellate Body

The Appellate Body is composed of seven Members appointed to four-year terms by the WTO Dispute Settlement Body. This table shows the current composition of the Appellate Body and the respective terms of office of its Members.

NAME	NATIONALITY	TERM(S) OF OFFICE
Georges Michel Abi-Saab	Egypt	2000-2004 2004-2008
Luiz Olavo Baptista	Brazil	2001-2005 2005-2009
Arumugamangalam Venkatachalam Ganesan	India	2000-2004 2004-2008
Merit E. Janow	United States	2003-2007
Giorgio Sacerdoti	Italy	2001-2005 2005-2009
Yasuhei Taniguchi	Japan	2000-2003 2003-2007
David Unterhalter	South Africa	2006-2009

Do you have time to take advantage of all these benefits?

I do, although I probably don't take advantage as much as I could. I recently bought a place in the mountains, so now I go even more often than I did before. It's great. I can't afford anything in Geneva—it's an extremely expensive city. But the silver lining is that wherever you travel seems cheap by comparison.

It sounds like the ideal combination of intellectual and outdoor pursuits!

Well, it's a long way from Vancouver, and my parents and my sisters are there, and I would like to see them more often than I do.

Speaking of home, what did our big trade dispute, the softwood lumber dispute, look like from the WTO's perspective?

One of the interesting things about the case was the fact that Canada chose to pursue its claims in two different fora: both at the WTO and in front of NAFTA tribunals. There were a number of different cases, and in some of them Canada ended up getting different results from the NAFTA and WTO tribunals. This might have created very interesting questions of international law in terms of which ruling would take precedence: the multilateral one from the WTO or the bilateral one in NAFTA. Canada also took action in the US domestic courts where there were more rulings on interesting issues like the relationship between NAFTA and US domestic law, so there was really a multiplicity of rulings.

That's a very interesting legal issue for the future, I think, because there's such a proliferation of regional trade agreements like NAFTA. More than 300 have been notified to the WTO, and increasingly there will be these questions about what you do if the same set of facts gives rise to disputes in two different fora, and you get different results.

What else do you foresee as a focus of the organization's work over the next five to 10 years?

The current round of negotiations, which began in 2001 and is called the Doha round, was designed to come up with a set of rules that would create a more level playing field for

developing countries. But those negotiations are in a state of great uncertainty at the moment, and the conventional wisdom is that if they don't start making real progress soon, the whole round might never be completed.

The way the WTO takes decisions in negotiations is by consensus, which means that every one of our 150 Member countries has the ability to block a decision. So politically, it's difficult to get agreement.

A trend of the last few years has been to see developing countries being much more active within the WTO at all levels, particularly the large developing countries like Brazil, India and Argentina.

One major question is to what extent the big developed players like the United States, but also Canada and Japan, are going to be able to accommodate the new powerful players and whether they'll be able to come to some agreement on what the proper rules of trade should be, and to what extent new rules will be to the benefit of all developing countries.

To me, one of the attractions of the WTO and international economic law in general is the possibility for it to act as a mechanism for stimulating growth. I genuinely do believe that if you can have a trading system based on the right rules, it's going to stimulate development. The question is, can we succeed in creating the right conditions for developing economies to be able to take advantage of that? I think that will play a large part in determining where the WTO goes over the next five years.

You've been with the WTO for eight years now. Do you plan to be there to see how it all plays out?

I can't say I have any plans for leaving in the near future. I would think about doing a little more teaching outside the WTO. Many of my colleagues teach for a week or a month at a time at a university in their home country. I would definitely be interested if UBC were interested! I haven't had a particularly clear path here, but I do feel like it's the right place for me to be. I feel very privileged to be doing this job. ●

Report *on Giving*

.....



ANA-MARIA HOBROUGH

As the 2006-2007 academic year comes to a close, the Faculty has once again benefited from the unparalleled generosity of our faculty and friends.

The school year began with the announcement of a \$1 Million contribution from a generation of Farris partners towards a new home for the Faculty of Law. This leadership donation, the first donation to the new building, was followed with the announcement of a \$6 Million matching grant from the Law Foundation of BC. Since then, a number of additional law firms and individuals have come forward to participate in this very exciting campaign. Just before this issue went to print, we were pleased to conclude the academic year with the announcement of a \$1 Million donation from BLG and the Ladner family.

There is no question that a new building is a priority for UBC Law; however, it is important to note that we remain committed to increasing funding to support special programs, research and student aid. We are grateful to our alumni and friends who have played a vital role in the Faculty by establishing new awards and bursaries, supporting our successful mooting program, sustaining existing student aid funds, making possible new research initiatives, and contributing to the successful launch of the National Centre for Business Law.

Every gift comes with a story—each of you has a special reason for giving. You may be motivated to give because of your happy memories of law school, or because you wish to honour a mentor or loved one. Perhaps you want to ensure that the next generation of law students will have access to legal education regardless of financial circumstances, and that they will be taught by outstanding faculty who are both inspirational teachers and cutting-edge researchers.

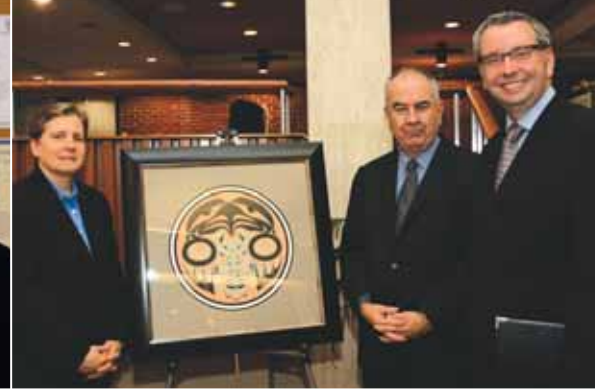
In the following pages are just a few of those stories, of your stories. I would like to extend my heartfelt thanks to all of our donors. You have made a difference.

A stylized, handwritten signature in black ink, appearing to read 'Ana-Maria Hobrough'.

ANA-MARIA HOBROUGH

Director of Development

UBC President Stephen Toope with Warren Wilson, Chair of the Law Foundation of BC, and Dean Mary Anne Bobinski at the announcement of a \$6 Million gift on January 22, 2007.



A new home for UBC Law

The Faculty is planning to replace the UBC Law building with a structure befitting the excellent standards set by our students, faculty and alumni. The project has received a great deal of support from the University, the legal community, our alumni and friends. We are very pleased to recognize **Farris, Vaughan, Wills & Murphy LLP, Borden Ladner Gervais LLP, the Ladner Family** and the **Law Foundation of British Columbia** for the leadership role they have taken in supporting the fundraising for this project.

In addition to these very generous lead donations, the Faculty is grateful to **Taylor Jordan Chafetz, the Lysyk Family, McCarthy Tétrault LLP** and **Thorsteinssons LLP** for their substantial investment in legal education.

To date, the Faculty has received donations totaling close to \$11 Million towards this endeavour. We look forward to updating you on this exciting project as we move closer to realizing our goal of building a home to which our alumni will be eager and proud to return.

Dean Mary Anne Bobinski, Keith Mitchell, Managing Partner of Farris, Vaughan, Wills & Murphy LLP and UBC President Stephen Toope at the announcement of a \$1 Million gift from Farris.

Thank you very much to the members of the Dean's Building Advisory Committee for their invaluable contributions in getting the fundraising for the building off to an extremely successful start.

The Honourable Grant Burnyeat
Wanda Dorosz
Bill Everett, QC
Leon Getz, QC
Lyll Knott, QC
Tony Knox
Bertie McClean, QC
Chancellor Allan McEachern
Doug Mitchell, QC
Keith Mitchell, QC
Michael O'Keefe, QC
Hein Poulus, QC
Marina Pratchett, QC
Don Rose
Alan Ross
Anne Stewart, QC
Jim Taylor, QC
Warren Wilson, QC

THE CLASS OF 1970 FUNDS A NEW STUDENT BURSARY

Since graduation, the Class of 1970 has worked hard to stay in touch with each other and keep in contact with the Law School. They held their 20 year reunion in 1990 and since then have continued to meet every five years. At a very successful and well-attended reunion event in May 2005, the class decided to establish an endowment to fund a student bursary.

The class set up a fundraising committee, chaired by Bill Ferguson, and they have successfully raised enough to create an endowment that will allow them to offer a bursary of over \$2,000 each year. Bill notes, "We wanted to give today's students access to the same opportunities we had. Our class is delighted to be able to contribute to UBC Law's financial aid program and help students in need."

REMEMBERING A LIFE WELL LIVED

Auriol Gurner Young was a remarkable woman with a lifelong love of learning and a great intellectual curiosity. In her 50s, Auriol started her university education, graduating with first class honours in 1983. During that time, she embarked on her great love of languages, learning Russian and then German. She loved life, people and ideas, and that was evident in all that she did. Sadly, she passed away in November, 2005 after a lengthy and determined struggle with cancer.

Claire Young, Associate Dean Academic Affairs, established this award in memory of her mother. The **Auriol Gurner Young Memorial Award in Law** will be awarded to second or third year students who have made significant contributions to feminism and the law. This memorial award is a wonderful way of celebrating Auriol Gurner Young's life while rewarding our students for their efforts.

AURIOL GURNER YOUNG



GOING FOR GOLD – FOUNDING
AFFILIATES OF NEW CENTRE

The Faculty officially launched the National Centre for Business Law on September 28, 2006. The Centre will focus on cutting-edge, comparative, interdisciplinary and empirical research in business law.

We want to thank our founding gold-level affiliates who have committed to supporting the Centre for its first three years.

Founding Gold-level Affiliates of the National Centre for Business Law



The McLean McCuaig
Foundation



TSX group



Books, Articles, Seminars and Symposia

Faculty members have been busy teaching, writing, attending symposia and conferences, giving guest lectures, hosting seminars and discussions with the legal community, as well as applying for grants and awards to fund research projects. Here are some of the exciting things that faculty members have been engaged in.

NEW BOOKS, CHAPTERS AND REVIEWS

Natasha Affolder, "International Biodiversity Law in Canadian Courts: The Role of Environmental Groups Inside and Outside the Courtroom" in *The Globalized Rule of Law: Relationships Between International and Domestic Law*, Irwin Law, 2006; and the french translation of this chapter, "Encourager le respect du droit international sur la biodiversité: Les groupes de pression environnementalistes devant les tribunaux et en dehors" in *Règle de droit et mondialisation: rapports entre le droit international et le droit interne*, Éditions Yvon Blais, 2006.

Susan B. Boyd and Helen Rhoades, eds., *Law and Families*, The International Library of Essays on Law and Society, 517 pp, Ashgate, 2006; "Robbed of Their Families"? Fathers' Rights Discourses in Canadian Parenting Law Reform Processes" in Richard Collier and Sally Sheldon, eds., *Fathers for Justice*, pp. 27-51, Hart Publishing, 2006; and "Family, Law, and Sexuality: Feminist Engagements" in Michael McCann, ed., *Law and Social Movements*, The International Library of Essays in Law and Society, Ashgate Publishing Ltd., 2006.

Kim Brooks with David Duff, Benjamin Alarie, & Lisa Philipps, *Canadian Income Tax Law*, 2nd ed., Butterworths, 2006.

Douglas C. Harris reviewed M.P. Shepard and A.W. Argue's, "The 1985 Pacific Salmon Treaty: Sharing Conservation Burdens and Benefits" in (2006) 18 *International Journal of Maritime History* 447.

W. Wes Pue, "Death Squads and 'directions over lunch': A Comparative Review of the Independence of the Bar", forthcoming, Lorne Sossin, ed., publication of Law Society of Upper Canada Task Force on Independence of the Legal Profession; Commentary on Lorne Sossin's "The Oversight of Executive Police Relations in Canada: The Constitution, the Courts, Administrative Processes and Democratic Governance" in Margaret Beare and Dianne Martin, eds., *Police and Government Relations: Who's Calling the Shots*, forthcoming, University of Toronto Press, pp 131-134; and a book review of Mary Sarah Bilder's *The Transatlantic Constitution: Colonial Legal Culture and the Empire*, (Harvard University Press, 2004) in *Law & Politics Book Review*, August, 2006.

Sharon Sutherland and Sarah Swan, "The Good, the Bad, and the Justified: Moral Ambiguity in *Alias*" in *Investigating Alias: Secrets and Spies*, eds. Stacey Abbott and Simon Brown, I.B. Tauris Publishing, Inc., forthcoming, spring 2007; and also with Sarah Swan, "'Tell me where the bomb is or I will kill your son': Situational Morality in 24" in *Reading 24: TV Against the Clock*, S. Peacock, ed., I.B. Tauris Publishing, forthcoming 2007.

ARTICLES

Natasha Affolder, "Domesticating the Exotic Species: International Biodiversity Law in Canada," 51 *McGill Law Journal* (2006); "Democratizing or Demonizing the World Heritage Convention," 5 *University of Wellington Law Review*, 2006; and "Cachet not Cash: A Different Sort of World Bank Borrowing," 14(2) *Michigan State Journal of International Law* (Symposium Issue, 2006).

Susan B. Boyd with Claire Young, "Losing the Feminist Voice? Debates on the Legal Recognition of Same Sex Partnerships in Canada," (2006) 14(2) *Feminist Legal Studies*.

Douglas C. Harris

Susan B. Boyd



Kim Brooks



W. Wes Pue

Christine Boyle



Craig Jones



Tae-Ung Baik



Natasha Affolder



Tony Sheppard

Craig Jones, "Case Commentary: *Bouchard v. Agropur and McCutcheon v. The Cash Store*" 45 *Canadian Business Law Journal*, forthcoming; "Developments in Standing and *Res Judicata* in Collective Actions: The Report from Canada to the World Congress of Procedural Law" (2007), *International Association on Procedural Law*, forthcoming; and a book review of "Litigating Conspiracy" in 44 *Canadian Business Law Journal*, forthcoming.

W. Wes Pue, co-authored with Chidi Oguamanam, "Lawyers' Professionalism, Colonialism, State Formation and National Life in Nigeria, 1900-1960: 'the fighting brigade of the people,'" forthcoming, *Social Identities*; and "Educating the total jurist?" (2006) 8 *Journal of Legal Ethics*, 208-221.

Guest Lectures/Panelists/Presentations/Conferences/Workshops

Natasha Affolder presented "Future Directions: New Actors in the Relationship between International & Domestic Law" in Ottawa at the *Canadian Council on International Law Annual Meeting* on October 26, 2006; "Mining and the World Heritage Convention: Democratic Legitimacy and Treaty Compliance" at the 4th *International IUCN Academy Colloquium, Compliance and Enforcement: Toward More Effective Implementation of Environmental Law* in White Plains, New York on October 17, 2006; "Models of Conflict Resolution in Sustainability Disputes" at the *Canadian Institute for the Administration of Justice Annual Conference* in Vancouver on October 12, 2006; served as a discussant on a panel on "Sustainable Development in Canada and China" in Legal Frameworks for Sustainable Development and Trade Relationships in the Asia Pacific at the *Pan-Pacific Business Law Conference* at UBC on September 29, 2006; "Contested Sites: Mining and Protected Areas" to the UBC Board of Governors Meeting on January 25th, 2007.

Tae-Ung Baik presented "Transitional Justice in the Republic of Korea" at the *Selected Topics in Korean Law Conference* at the University of Washington School of Law on December 2, 2006; was the Keynote Speaker at the *Korean Law Students Association Conference* on February 10, 2007 in Toronto.

Susan B. Boyd presented "Equality and Responsibility: Fathers' Rights and Women's Rights Advocacy," at the workshop *Why and How? Theoretical and Methodological Directions in Law, Feminism, Gender and Sexuality*, UBC, August 26, 2006.

Christine Boyle was the Ivan Rand Lecturer at the University of New Brunswick in March, 2007. She presented "Finding Facts Fairly: Reasonable Inferences in Criminal Trials."

Kim Brooks presented "Tax Sparing: Should Canada Re-think its Commitment to Supporting the Investment Incentive Goals of Developing Countries?" at the *Canadian Law and Economics Association Conference* on September 29, 2006 and at the *James Hausman Tax Law and Policy Workshop* on November 28, 2006, both at the University of Toronto's Faculty of Law; commentary on Lisa Philipps' paper "Gender Responsive Tax Policy Making: What Would it Look Like?" at the Institute for Feminist Legal Studies at Osgoode Hall Law School on October 13, 2006; "A Comparison of Canada and Chile's Tax Treaties" at the Universidad Alberto Hurtado in Santiago, Chile on October 31, 2006; and "Tax Treaty Treatment of Royalty Payments from Low-Income Countries: A Comparison of Canada and Australia's Policies" at the *International Network for Tax Research Conference* at the University of Michigan Law School on November 4, 2006.

Douglas C. Harris contributed his paper, "The Boldt Decision in Canada: Aboriginal Treaty Rights to Fish on the Pacific" to the *Transcending Borders: Pacific Salmon and Interdisciplinary Approaches to Fisheries Conservation workshop* held at Stanford University on February 2, 2007.

Shi-Ling Hsu, with Professor Austen Parrish of Southwestern Law School, presented "International Lawmaking Through Litigation: Ontario's Transboundary Air Pollution Problem" at the *Association for American Law Schools Annual Meeting* in Washington, D.C., January 3-6, 2007.

Craig Jones presented "The Gift that Keeps on Giving: Developments in the Law of Charter Damages" at the Continuing Legal Education's "Torts 2007" Conference in Vancouver and at Osgoode Hall's *Class Action Symposium* in Toronto this spring.

Shigenori Matsui presented "Internet Law in Japan" at UBC Faculty of Law's *Legal Studies Dinner Seminar* on November 1, 2006 in Vancouver; and "Amending the Constitution or Enacting a New Constitution? The Japanese Constitution at the Crossroad" at the Centre for Japanese Research at UBC on November 24, 2006.

Karin Mickelson presented a paper on "Competing Narratives of Justice in North-South Environmental Relations" at the *Stockholm Conference on Environmental Law and Justice* at Stockholm University's Environmental Law and Policy Centre in September, 2006.

Robert K. Paterson presented "Human Rights, Property Rights and Crimes Against Humanity" at the *Cultural Heritage Issues: The Legacy of Conquest, Colonization and Commerce* at Willamette University in Salem, Oregon on October 14, 2006.

W. Wes Pue presented "Professionalism's Impoverished Theories: The Missing Empire," at Griffith University's Faculty of Law Seminar Series on December 4, 2006; "Why a Charter of Rights Facilitates Rights Violations in the War on Terror," at University of Queensland's Faculty of Law Seminar Series on December 1, 2006; "King Arthur, the Black Knight, and Professionalism's four limbs," at the Law Society of Saskatchewan's, Benchers' Retreat, June 22-23, 2006 in Waskesiu, Saskatchewan; "Common Waste" at a workshop on *The Colonial Commons: land, law, living and labour* at the Faculty of Arts, University of Wollongong, June 13-14, 2006; "Taking Terrorism Seriously: Why 'rights' Don't Matter in the War Against Terror" at an expert workshop on *Ensuring accountability—Terrorist challenges and State responses in a free society* at Australian National University in Canberra, April 20-21, 2006.

Tony Sheppard was a panelist on "The Implications of Abolishing Mandatory Retirement" at the *Lancaster House Conference on Bargaining in the Broader Public Sector* on December 12, 2006 in Vancouver; he presented "Abolition of Mandatory Retirement" to the UBC Faculty Association on January 22, 2007.

Sharon Sutherland presented "'Standard Perpetuity Clause': Contracting with the Devil in Season Five of *Angel*" at the 28th Annual Meeting of the Southwest/Texas Popular & American Culture Associations in Albuquerque, NM in February, 2007.

Grants and Awards

Margaret Hall has recently received a SSHRC grant for her project "Abuse Capacity and the Material Exploitation of Vulnerable Older Adults: Initiative to Develop a Multidisciplinary Evaluation of Approaches in Law and Equity." The objective of this research

initiative is to develop a new theoretical framework for understanding and responding to the problem of material exploitation, and to develop a methodology for testing that framework in terms of its appropriateness and accuracy as a measure of relationship-based exploitation, focusing on intergenerational relationships. She will receive approximately \$32,000 over two years to complete the project.

Janis Sarra has received the INSOL Global Scholar award for her work in insolvency law. It includes a research grant of 12,000 pounds UK (approximately \$24,000 CDN) to work on a comparative research project on securities and insolvency law. INSOL is a non-profit organization committed to development of research and policy in international and comparative insolvency law.

Other Faculty News

Natasha Affolder was elected to the board of directors of the Canadian Council of International Law.

Robert K. Paterson was appointed to the External Advisory Board of Directors of the UBC Museum of Anthropology in December 2006.

W. Wes Pue has been appointed Vice Provost and Associate Vice President Academic Resources pro tem effective February 1, 2007.

Sharon Sutherland hosted a highly entertaining and successful CoRe Challenge gala on February 8, 2007 in Richmond. UBC Law alumna Sarah Swan (2004), an associate at Harper Grey LLP, was crowned CoRe Champion by a margin of just one vote over LSLAP representative Kim McGarrity. The gala raised funds to support a student coordinator for the student-run mediation clinic. Sharon is also teaching the first class of the new Judicial Internship program where seven students participate as interns in several Provincial Court registries. Thanks to funding from the Law Foundation of BC, the students not only work with judges in Lower Mainland courts but each travel with a judge on circuit for a week.

Sharon Sutherland



Shi-Ling Hsu

UBC Law is attended by intelligent, interesting and active students. Many of these students are recognized with academic scholarships, awards and prizes. In addition, students enjoy a vibrant social network of activities and events.

The following is a sample of the accomplishments of some of our students.



Individual Awards and Accomplishments

WESBROOK SCHOLARS

Jeffrey Robinson and **Ashleigh Keall** have been selected as Wesbrook Scholars. The Wesbrook Scholar designation is given to twenty outstanding undergraduate/post-baccalaureate UBC students each year in a university-wide competition, and is one of the highest honours a UBC student can achieve. The criteria for the award includes academic excellence, athletic accomplishment, leadership and community involvement.

Jeffrey Robinson is involved in the student newspaper, *The Legal Eye*, and is a director of the Academic Issues Caucus at UBC Law. Prior to attending UBC, Jeff pursued graduate studies in engineering at Simon Fraser University. Supported by a Natural Sciences and Engineering Research Council scholarship, he earned

a Masters degree and published two peer-reviewed research papers. Jeff plays rugby and volunteers for the Burnaby Lake Rugby Club. He intends to practice law in Vancouver.

Ashleigh Keall completed a B.A. in Psychology and English Literature at the University of Ottawa and then moved to Leeds, England, where she worked and volunteered with a number of community groups. Her work with refugees and asylum seekers spurred her interest in the legal aspects of forced migration, race and ethnicity, and international human rights. As a law student, Ashleigh is coordinating UBC's first chapter of Law Students for Choice and sits on the executive of the Social Justice Action Network. She is also a member of the UBC Law curling team and the Women's Caucus, sits on the board of directors for the BC Human Rights Coalition, and is working on a research project to study the impact

of racial profiling in Canada with the non-governmental organization MARU.

FRANK IACOBUCCI ENTRANCE AWARD IN LAW

The Frank Iacobucci Entrance Award was awarded to **Kerri-Ann Reid**. The award, which is equal to one year's tuition, is offered in recognition of the Honourable Frank Iacobucci. The award is given to a student entering the LL.B. program who has achieved good academic standing, has been actively involved in student government and/or community programs and faces financial or systemic challenges in accessing a legal education. While raising her five children, Kerri-Ann Reid volunteered with numerous community organizations such as volunteer firefighting and search and rescue. In 2003, she returned to post-secondary education after the last of her five children entered school. Prior to entering law school, she volunteered on a joint

project between the United Nations Habitat Programme and the Environmental Youth Alliance on youth development and governance in Africa. She currently volunteers with CoRe Conflict Resolution Centre and the Centre for Feminist Legal Studies at UBC Law.

MALCOLM MACINTYRE MEMORIAL ENTRANCE SCHOLARSHIP IN LAW

The Malcolm MacIntyre Memorial Entrance Scholarship in Law was awarded to **Graham Kosakoski**. This scholarship, equivalent to one year's tuition, has been endowed by the MacIntyre family in memory of Dr. Malcolm MacIntyre, who was a Professor at UBC Law from 1948 until his death in 1964. The award is offered to a student entering first-year law and is made on the recommendation of the Faculty. Graham studied forensic psychology and theatre at Queen's University, graduating with a B.A. Honours with Distinction, and the Gold Medal

for the top graduating student. He was a finalist for the 2004 Rhodes Scholarship. Graham is also a published psychology researcher, currently co-authoring a study on children's learning disabilities with UBC Associate Dean Dr. Linda Siegel.

BLAKES SCHOLAR

The Blake, Cassels and Graydon Scholarship was awarded to **Bhawndeep Jawanda** and renewed for **Stephanie Case**. This scholarship is awarded to a student who has just completed first year and has high academic standing. The scholarship is renewable after second year if a high academic standing is maintained. Criteria for the award includes academic achievement, community involvement, extra-curricular activities and other personal accomplishments.

MCCARTHY TÉTRAULT LEADERSHIP AWARD

The McCarthy Tétrault Leadership Award was given to **Brittany Skinner** and **Elizabeth Segal**. This award is given to two students who

have high academic standing and have taken on leadership roles at the law school or in the community.

CANADIAN BAR ASSOCIATION BC BRANCH SCHOLARSHIP

The Canadian Bar Association Scholarship was awarded to **Ashleigh Keall**. This scholarship is awarded to a student finishing first or second year of law school with high academic standing who best exemplifies the ideals that are served by the CBA based on the following criteria: the candidate's participation in activities that support members of the profession (and law students); his or her promotion of justice and law reform; his or her promotion of equality among members of the profession (and law students); and his or her demonstration of exemplary public or community service.

Competitive Moots

CANADIAN LABOUR ARBITRATION MOOT

The UBC Team of **Jennifer Lau** and **Conrad Warkentin** competed in the Mathews, Dinsdale & Clarke LLP Canadian

Labour Arbitration Competition in Toronto on January 26-28, 2007. The UBC Law team, which is sponsored by Harris & Company and Victory Square Law Office, claimed an unofficial placing of third.

THE AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION'S NEGOTIATION COMPETITION

Jeff Langlois and **Tanveer Siddiqui** were the winning team of the UBC Law American Bar Association Negotiation Competition, held in October at the Vancouver offices of Fraser Milner Casgrain LLP. Fraser Milner Casgrain LLP hosts the intraschool competition and provides both financial assistance and training in negotiations for the team at the regional competition. Jeff and Tanveer competed in the regional competition in Columbia, Missouri, placing seventh out of approximately 25 teams. The ABA Law Student Division's Negotiation Competition simulates legal negotiations in which law students, acting as lawyers, negotiate a series of legal problems. The simulations consist of a common set of

facts known by all participants and confidential information known only to the participants representing a particular side.

UBC/UVIC MOOT

The UBC/UVic Moot is a moot competition between the law faculties of the University of British Columbia and the University of Victoria. The 2007 UBC team of **Daniel Chan**, **Colin Davidson** (researcher), **Jeff Langlois**, **Erik Niit** and **Matt Walker** won the Begbie Trophy, which is the sixth consecutive win for UBC Law. The problem this year was an appeal from the judgment of the English Court of Appeal in *Corr v. IBC Vehicles Ltd.*, [2006] 2 All ER 929, a case involving a claim under the equivalent of the *B.C. Family Compensation Act* for a suicide that occurred some six years after an industrial accident. The UBC team was sponsored by Davis & Company LLP.



Stephanie Case



PETER BURNS CRIMINAL LAW MOCK TRIAL COMPETITION

Joven Narwal and **Grady Tyler** were the winners of the Peter Burns Mock Trial Competition held at the Faculty of Law in November 2006. This year's competition consisted of two manslaughter trials before the Honourable Conni Bagnall, the Honourable Thomas Crabtree and the Honourable Harbans Dhillon, with law students acting as witnesses and high school students acting as jurors.

Joven and Grady were awarded the Peter Burns Moot Competition trophy and went on to represent UBC in the Western Canada Moot Competition (the MacIntyre Cup) held in February in Victoria. Their second-place finish at the Western Canada Moot earned them the right to compete

in the National Trial Moot Competition (the Sopinka Cup), which was held in Ottawa in early March 2007.

ROBERT H. GUILLE, QC MEMORIAL DEBATE

The eighth annual Robert H. Guile, QC Memorial Debate was held on Friday, January 19, 2007 at the Faculty of Law. **Matt Brandon** and **Mitch Dermer** were the winners with their argument against the proposition "Be it resolved that fairness is more important than justice" against the team of **Thomas Wong** and **Ryan Austin**. The panel of judges included the Honourable Chief Justice Lance Finch. The Robert H. Guile, QC Memorial Debate is held annually in honour of its namesake, a skillful advocate known for his wit and vigorous sense of humour. The debate emphasizes effective use of humour and camaraderie in the law.

UBC LAW REVIEW

The UBC Law Review is a peer-reviewed journal published by the University of British Columbia Law Review Society. Students are responsible for the soliciting and editing of the material, and for the advertising and sales that make the *Law Review* self-sufficient.

Issue 40:1 was published this spring, and featured articles on the Arctic Council, the new judicial selection process, cultural accommodation in personal injury compensation, the social value of privacy and originality in copyright law.

Issue 40:2 will be dedicated to Dugald Christie, the lawyer activist who founded the Western Canada Society to Access Justice, and whose appeal regarding the constitutionality of taxes on lawyers'

fees, *Christie v. British Columbia (Attorney General)*, was scheduled to be heard at the Supreme Court of Canada in late March, 2007.

The UBC Law Review Society also publishes the *Table of Statutory Limitations*, a loose-leaf reference providing limitation periods currently in effect in BC.

Visit www.ubclawreview.org for more information.

Grad Student Update

UBC Law grad students are among the best and the brightest in Canada and have made distinguished contributions to legal research, legal education, scholarship, law reform and the legal practice. This year's group is no exception. Here are some of their publishing accomplishments:



Cindy L. Baldassi, "DNA, Discrimination and the Definition of 'Family Class': *M.A.O. v. Canada (Minister of Citizenship and Immigration)*" (2006) *Journal of Law & Social Policy* (forthcoming).

Emma Cunliffe, "Without Fear or Favour? Trends and Possibilities in the Canadian Approach to Expert Human Behaviour Evidence" (2006) 10 *International Journal of Evidence and Proof* 280; "Anywhere but Here: Race and Empire in the *Mabo* Decision" (2007) 12 *Social Identities* (forthcoming).

Fiona Kelly, "Before You Host a Party, Read This: Social Host Liability and the Decision in *Childs v. Desormeaux*" (2006) 39 *UBC Law Review* 371.

David Milward, "The Healing Circle is Missing Out: An Examination of the Potential Conflict between s. 24(2) of the *Charter* and Aboriginal

Methods of Dealing with Crime" (2006) 2.2 *Restorative Directions Journal*.

Ibironke Odumosu, "Transferring Alberta's Gas Flaring Reduction Regulatory Framework to Nigeria: Potentials and Limitations" (2007) 44:3 *Alberta Law Review* (forthcoming); "The Antinomies of the (Continued) Relevance of ICSID to the Third World" (2007) 8:2 *San Diego International Law Journal* (forthcoming); "NGO Participation and Recent Transparency Measures in WTO Dispute Resolution: Lessons from FTAs and International Investment Jurisprudence" in British Institute of International and Comparative Law ed., *WTO Law and Process Vol. II* (BIICL, 2007) (forthcoming); "Public Accountability and Constitutional Immunity in Nigeria" in Dipo Kolawole ed., *Nigerian Constitutional and Administrative Law* (Panaf, 2007) (forthcoming).

Richard Frimpong Oppong, "Observing the legal system of the community: the relationship between community and national legal systems under the African Economic Community Treaty" (2006) 15 *Tulane Journal of International & Comparative Law* 41; "Enforcing Foreign Non-Money Judgments: An Examination of Some Recent Developments in Canada and Beyond" (2006) 39 *UBC Law Review* 257; "Trade and Human Rights: a Perspective for Agents of Trade Policy Using a Rights-Based Approach to Development" (2006) 6 *African Human Rights Law Journal* 123; "Managing Legal Pluralism: An Examination of the Colonial and Post Colonial Treatment of Customary Law under Ghana's Legal System" in HJAN Mensa-Bonsu et al (eds) *Ghana Law Since Independence: History, Development and Prospects* (Accra: Black Mast,

2007) 443; "Private International Law and the African Economic Community: A Plea for Greater Attention" (2006) 55 *International & Comparative Law Quarterly* 911; "Re-imagining International Law: An Examination of Recent Trends in the Reception of International Law into National Legal System in Africa" (2006) 30 *Fordham International Law Journal* 201; "The Hague Conference and the Development of Private International Law in Africa: A Plea for Cooperation" (2006) VIII *Yearbook of Private International Law* (forthcoming 2007); "Choice of Law and Forum Agreement Survives a Constitutional Challenge in the Kenya Court of Appeal" (2007) 33 *Commonwealth Law Bulletin* (forthcoming 2007); "A Centuries-Old Common Law Rule Changes in Canada: The Courts Can Enforce Foreign Non-Money Judgments (2007) 70 *Modern Law Review* (forthcoming 2007).



AWARDS AND DISTINCTIONS

The Faculty would like to congratulate **Mr. Thomas Berger, OC, QC** who was awarded the CBABC Georges A. Goyer, QC Memorial Award at the Bench and Bar Awards November 23, 2006, in honour of his exceptional contributions to the legal profession.

2007 REUNIONS

The **Class of 1987** has planned a reunion for the evening of Saturday, May 26th at the False Creek Yacht Club starting at 7pm.

The **Class of 1957** and the **Class of 1997** are planning reunion events for the fall of 2007.

For details on these reunions, or if you are interested in planning a reunion for your class, please call the Faculty's alumni coordinator at 604-827-3612.

ALUMNI EVENTS

REUNITE

In September 2006 the Faculty of Law and the UBC Law Alumni Association co-hosted a Reunion Reception for all five and ten year grad classes. The event was a success as many alumni gathered at the Four Seasons Hotel to share fond memories of the past with their friends and colleagues.

CLASS OF 1949 REUNION

This fall the Class of 1949 gathered together to share another successful law school reunion. The camaraderie of this class is remarkable and it was a pleasure to see them reunite and reminisce about the past and look forward to the future.

Class of 1949 gathers in Fall 2006.

UBC LAW CAREER SERVICES

The Career Services Office serves the career needs of both UBC Law alumni and current law students. The office receives postings from law firms and organizations interested in hiring UBC alumni as associates or in other legal roles. These postings are circulated by email to alumni who have expressed an interest in receiving them.

If you would like to be added to the alumni employment email list, please send an email to the Co-Director of Career Services, Kaila Mikkelsen (email: mikkelsen@law.ubc.ca Tel: (604) 822-6350).

Additionally, if you have a job posting for an associate or legal professional or have a need for a law student for casual, summer or articling employment, please contact one of the Co-Directors who can circulate the posting to the appropriate alumni or student list.

RECENT APPOINTMENTS

The Faculty would like to congratulate the following alumni on their much deserved appointments:

BRITISH COLUMBIA PROVINCIAL COURT

The Honourable
Maria Francesca Giardini

QUEEN'S COUNSEL

David Renwick, QC
Karen J. Connor, QC
Chuck Lew, QC
Bruce Greyell, QC
Martin Gifford, QC
William James McJannet, QC
R. Brian Webster, QC
Byran Gibson, QC
Jeffrey Green, QC
Dale Kermode, QC
Michael O'Connor, QC
E. Neil Kornfeld, QC
Richard Twining, QC
Jack Webster, QC
Thomas Keast, QC
Michael Petrie, QC
Russell Cundari, QC
Bruce LeRose, QC
Jennifer Conkie, QC
Catherine Sas, QC
Marguerite Shaw, QC



The First Nations Legal Studies Program Golf Tournament will be held on Saturday, July 7. Find out more on the "events" page of the law website.

Lunch with UBC's New President¹

by Kat Kinch, Class of 2004

On November 8, 2006 the UBC Law Alumni Association had the pleasure of hosting UBC President Stephen Toope in his first address to the Vancouver legal community at the Four Seasons Hotel. We were also very pleased to include in the audience a number of students from the Faculty of Law. Professor Toope spoke on the university's role in the legal profession.

In President Toope's view, law school is not a "lawyer factory" but a liberal and living link between law and "advanced citizenship." He observed that law graduates venture out to participate in many of our important institutions, and occupy themselves not even primarily in dispute resolution, but in avoiding crisis and facilitating transactions. He does not see law school as a place to learn the rules, but a place to investigate how rules are created, and to gain a grounding in such varied disciplines as logic, problem solving, ethics, sociology, psychology, philosophy and economics.

Interestingly, President Toope also argued that the law school serves to promote a sense of modesty, and doubt, in its lawyers of tomorrow.

He commented that the legal profession is accorded considerable deference in our society (despite all the lawyer jokes), and that we must be cautious not to expect that deference as our due.

He also spoke of the law school and its contributions to comparative law, including the new National Centre for Business Law, the First Nations Legal Studies program, and the Centre for Asian Legal Studies. He promoted the building

fundraising campaign, saying that (and I am sure you will agree) it is important to honour the scholarship and tradition of the law school with an appropriate space.

As an alumna of UBC Law, I thought that the President presented an exciting vision of our university's role in the profession, and a complex and intriguing idea of our profession's role as a social institution itself. I look forward to what's ahead at UBC as a result of his contributions and ideas.



Law Alumni Achievement Awards Dinner

The UBC Law Alumni Association held its annual Law Alumni Achievement Awards Dinner on Wednesday, May 2nd at the Four Seasons Hotel in Vancouver.

We congratulate the award winners:

AWARDS OF DISTINCTION:

Anne Giardini (1984)
Chris Hinkson, QC (1975)
Jim Taylor, QC (1968)

RESEARCH AWARD:

Professor Peter Burns
Dr. Janis Sarra
Professor J.C. Joe Smith (1960)

YOUNG ALUMNA:

Miranda Lam (2004)

¹ Adapted from "Lunch with Stephen Toope," *The Legal Eye* Vol. 3 No. 4 (December 2006)

CLASS notes

Keep in touch with your classmates! Send in your updated news either by visiting our website at www.law.ubc.ca/forms/class_notes/notes.html and filling in the online form, or by mailing your news to CLASS NOTES, UBC Law Alumni Magazine, 1822 East Mall, Vancouver, BC, V6T 1Z1.

Your submission will be included in the next issue of the UBC Law Alumni Magazine.

60s

James Horsman ('60) received the Alberta Order of Excellence on October 19, 2006; became a Member of the Order of Canada—Investiture on February 9, 2007 and is Chancellor Emeritus to the University of Lethbridge.

Larry Kancs ('74) writes, "There is nothing really new in my 'life'—I am still a partner at the law firm of Jeffery & Calder in Vancouver. I practice in the area of personal injury law, with a strong emphasis on 'car crash' injuries—soft tissue injuries, brain injuries, chronic pain, etc. I still live in North Vancouver and my twin daughters turned 27 on April 12, 2007."

70s

Gary Cohen ('73) has completed 15 years on the Board of the Richmond Chamber of Commerce, as director and chair, was Sports Chair for the 2006 Maccabi Summer Games, Chaired the Jack Diamond Award for the 2007 JCC Sports Dinner honouring Steve Nash and featuring Bill Walton, and is a Trustee of the Richmond Hospital Foundation. Gary is a partner of Cohen Buchan Edwards in Richmond, is married and has one son.

Lyle Harris ('75) writes, "I have been practicing insurance and personal injury litigation with Robert Brun since 1984. My wife June and I celebrated our 28th wedding anniversary in December, 2006, and our oldest child, Joel, will get married in June of 2007. Our second oldest, Nathan, graduates from UBC in June 2007, and our daughter, Stephanie, is in third year studies at UBC and is pursuing a career as a competitive horse jumper, thereby assuring that her dad's retirement is indefinitely postponed."

David M. Renwick ('77) was awarded Queen's Counsel designation on February 2, 2007 by Attorney General Wally Oppal. David is currently one of the managing partners of Baker Newby LLP, and works primarily out of their Chilliwack office in the areas of civil and criminal litigation.

DAVID M. RENWICK



Lloyd H. Aasen ('77) has been with Lando & Company LLP since September, 1981, having become a partner in February, 1983. For the past 17 years he has lived in West Vancouver with his wife Virginia and 17-year-old daughter, Laurel, who seems to be showing an interest in law as she graduates from West Vancouver Secondary School this year. His practice is heavily weighted towards land development and financing and corporate law.

In mid-January 2007, **Patricia Murphy** ('78), her husband, dog, and cats returned to Canada after two and one half years in sunny Cyprus. During that time, her husband—and periodically herself—worked with the United Nations mission on that sadly divided island. For the time being, they have moved to Canmore, Alberta (while working in Calgary), and are looking forward to skiing a lot more. She says, "Visitors are always welcome."

80s

Calvin Sandborn ('80) published *Becoming the Kind Father: A Son's Journey*, New Society Publishers, April, 2007. This memoir/self-help book has received rave advance reviews and is available at bookstores everywhere.

After graduation from UBC, **Michael Hudson** ('81) clerked with the BC Courts and then articulated with Bull, Housser & Tupper LLP. He went on to obtain his Master of Laws from McGill, and since 1985, he has worked with the Federal Department of Justice primarily in Aboriginal Law. He recently was

named Senior General Counsel, Aboriginal Law for the Department of Justice with responsibility for federal practitioners of Aboriginal law across the country. He's dividing his time these days between Ottawa and Vancouver, with frequent trips to Justice regional offices dealing with advisory and litigation services involving Aboriginal law.

Mason Loh ('83), QC was appointed the first Chair of Rogers OMNI 10 Television's Community Advisory Board. The television station promotes healthy respect for and appreciation of the beliefs of people of differing religious persuasion. The Board's function is to enhance communication between the station and the multi-faith and multicultural community it serves.

Mary-Ann Booth ('86) was elected to the Board of School Trustees in District #45, West Vancouver in the last municipal election.

Anna Laing (nee Bains) ('87) and **David McGivern** ('81) were married in 2002. David practices personal injury law at Jeffery & Calder and Anna practices estate planning/litigation and family law at Fasken Martineau DuMoulin. They are parents to two sons (10 and 3), neither of whom have yet shown any interest in carrying on the family trade.

Don Hutchinson ('88) was appointed General Legal Counsel to The Evangelical Fellowship of Canada in October 2006. Don monitors and responds to legal issues of interest to the Evangelical Christian community, including court interventions and parliamentary submissions. The EFC is an umbrella organization with 40 denominational affiliates, 35 post-secondary educational institution affiliates, over 80 ministry organization affiliates and approximately 1000 congregational affiliates.

90s

Thomas Braun ('91) writes that his third daughter, Audrey, was born in January, 2005. He has two other children, Ashley, age 7 and Emmeline, age 10. He and his wife Maria celebrated their tenth wedding anniversary last year and they recently completed construction on a new house in Mackenzie Heights. He also founded Zenith Industries Inc. IPO on TSX-V in March, 2006.

Marc D'Heureux ('91) is practicing family law and civil litigation as a partner with the firm of Reilly D'Heureux Lanzi LLP in Ajax, Ontario. He and his wife, Melinda, had a daughter, Sophie, last August who is a sister for their five-year-old Luc.

Tim Xia ('93) studied at UBC from 1987 to 1993, graduating from UBC law school with both LL.B. and LL.M. He has been a practicing lawyer in B.C. since 1994 in the areas of real estate conveyance, family law, immigration, criminal, civil matters and other general practices. His is currently married with one son, Michael, who is planning to study at P.W. Mini this fall. He says, "I wish to hear from my classmates (both LL.M. and LL.B.) as to how they are doing."

Rebecca L. Darnell ('94) has recently been elected Vice Chair of the Board of Governors of Kwantlen University College. She is also currently serving as President of the Board of Directors of Langley Family Services, President of the Provincial Liberal Party Riding Association for Langley, President Elect of the Rotary Club of Cloverdale and President of the Fraser Valley Bar Association. In her spare time, she serves on the Membership Committee at Beach Grove Golf Club in Tsawwassen.

Ruin Shandler ('95) is pleased to announce that in December, 2006, Carswell published her book *Mental Disorder in Canadian Criminal Law*. The book was co-authored by Joan Barrett and



J. LUKE ZACHARIAS

is a comprehensive guide to all issues arising under Part XX.1 of the *Criminal Code*, including the NCR defence, fitness to stand trial, and the Review Board process and procedure. The text also addresses how mental illness can play a role in criminal proceedings generally.

Dean Palmer ('96) operates an IP boutique firm and patent and trade-mark agency (Dean Palmer IP Law & IPProperty Inc.) in downtown Vancouver. Dean is married to Karen Lim (Windsor Law '96) who practices insurance defence at Somers and Co.

After a 2-year hiatus in various acting positions, **Paul Hancock** ('97) has returned to his regular position as Manager, Corporate Information & Privacy. In this position, he is responsible for freedom of information and privacy issues for the City of Vancouver.

Joe Irvine ('98) and his wife Rebecca welcomed the arrival of their second child, Lillias Margaret, on February 7, 2007. In January, Joe became partner of his law firm, which will now carry on business in Waterloo Region, Ont. as Giesbrecht, Griffin, Funk & Irvine. Joe has a general practice with an emphasis on matrimonial and estate matters.

Shelina Neallani ('98) left the law firm of Somers & Company to pursue her private mediation practice. Visit her website at www.neallani.ca or call 778.688.1086.

In 2006, **Alex Kask** ('99) was the author of two new publications on the Japanese language. This is in addition to the three other titles he wrote in the 1990s. He was admitted to the partnership of McQuarrie Hunter on January 1, 2007. He has worked with McQuarrie Hunter as a litigator since 2000. He continues to teach martial arts at UBC through the Sports and Recreation Program.

2000s

J. Luke Zacharias ('02) joined the partnership of Baker Newby LLP in January 2007, after having joined them as an associate in May of 2005. Luke practices primarily out of their Chilliwack office in the areas of commercial and civil litigation.

Sandra Gordon ('02) and **Paul Corbett** ('01) are pleased to announce that they have both become partners of Shook, Wickham, Bishop & Field on January 1, 2006.

Jennifer Dezell ('02) writes, "I'm very happy to announce the birth of our first baby, Samuel Clifford George Dezell. Sam clocked in a few days late, on January 17, 2007, at 8 lb. 4 oz."

Elaine Watson ('02) writes, "I am excited to be back in Vancouver after spending some time in Toronto. I got called in December last year and am staying with the firm I articulated with, David Paterson Law. I work with survivors of the Indian Residential School system, taking their claims through Canada's ADR process. I would love to hear from old classmates, they can email me at elwatso@yahoo.com."

After graduation **Melanie Bejzyk** ('05) clerked with the Federal Court of Canada and interned at a public interest law centre in Johannesburg, South Africa. She was admitted to the Ontario bar and presently works for the Constitutional and Administrative Law Section of Justice Canada. She lives with her partner, Aida Hadziomerovic, in Ottawa.

Tim Radcliffe ('05) got married to Stefanie Martel on September 2, 2006 in Ottawa.

TIM RADCLIFFE



Rod Yamanouchi Remembered

RODNEY MASAMI YAMANOUCHI, born March 21, 1968, passed away too soon on January 10, 2007. Rod obtained his LL.B. at UBC in 1993, endearing himself to his classmates with his winning smile, easygoing manner and hockey prowess. In addition to his participation on the UBC Law Division II hockey team, Rod volunteered with LSLAP, participated in the Law Revue and could be counted on to enliven any social function. After completing his articles in 1994, Rod's legal career focused on public service, first with the Legal Services Society, followed by eight years with the Department of Justice.

Rod was dedicated to his family—a loving husband to Sheila Rozen and devoted father to their seven year old daughter Elana. His kind heart and gentle spirit will be lovingly remembered by them, his parents Masami and Tomie, brother Barry and many other dear relatives and treasured friends. All of those who knew Rod were the better for it.

To celebrate Rod's life and contributions, a Rodney Yamanouchi Memorial Award is to be established at the UBC Faculty of Law. Those wishing to contribute can send donations to UBC Annual Giving, 500-5950 University Boulevard, Vancouver, BC V6T 1Z3. For more information, please call Maryn Ellis at (604) 822-5345.

Closing ARGUMENTS!

The last word goes to the
Olympians of UBC Law....



You had to make adjustments to your own personality, to your own vision, to have a common vision that would allow the team to ultimately succeed.

GEORGE HUNGERFORD, OC, QC
1964 Summer Olympic Games

I was aware of being part of something historic, with the protests that took place in the stadium.

NORM TRERISE
1968 Summer Olympic Games

I used to play field hockey where Gage Towers are, the old wireless station behind what's now the Vancouver School of Theology. I used to get driven to games by George Curtis, because I played with two of his sons. So it's a small world.

ALAN HOBKIRK
1976 Summer Olympic Games

I remember when I started working I thought, how do these people ever really get to know each other? Because they don't train with them and they don't eat and sleep and live with them, and really get to know them as people. There's a lot more that makes a person tick than the things you see day-to-day at an office.

TRICIA SMITH
1976, 1980, 1984 and 1988 Summer Olympic Games

We were walking as a team to the cafeteria for breakfast and before I knew it I had this camera in my face and a microphone at my mouth: ‘What’s your reaction to Ben Johnson?’ And I hadn’t heard anything, none of us knew what had happened, but I could tell from the question something had happened. Soon it was everywhere in the village. The problem with drug use is it taints all of sport. But in retrospect, my sense is that Ben was far from the only sprinter who was using the stuff in 1988. In many ways, he was the fall guy for it.

DOUGLAS HARRIS

1988 Summer Olympic Games

I had an advantage because I had always been competing against people with two arms and two legs.

IAN BALFOUR

1994, 1998 and 2002 Winter Paralympic Games

If you have your hopes on the Olympics and some small variable happens which doesn’t let you get there, that could stop you from being motivated to ride. So my motivation is in the actual enjoyment of the riding.

BRUCE MANDEVILLE

2000 and 2004 Summer Olympic Games



THE
UNIVERSITY OF
BRITISH
COLUMBIA

UBC | FACULTY OF LAW

The University of British Columbia
1822 East Mall
Vancouver BC V6T 1Z1
Canada

Tel: 604-822-3151
Fax: 604-822-8108
www.law.ubc.ca