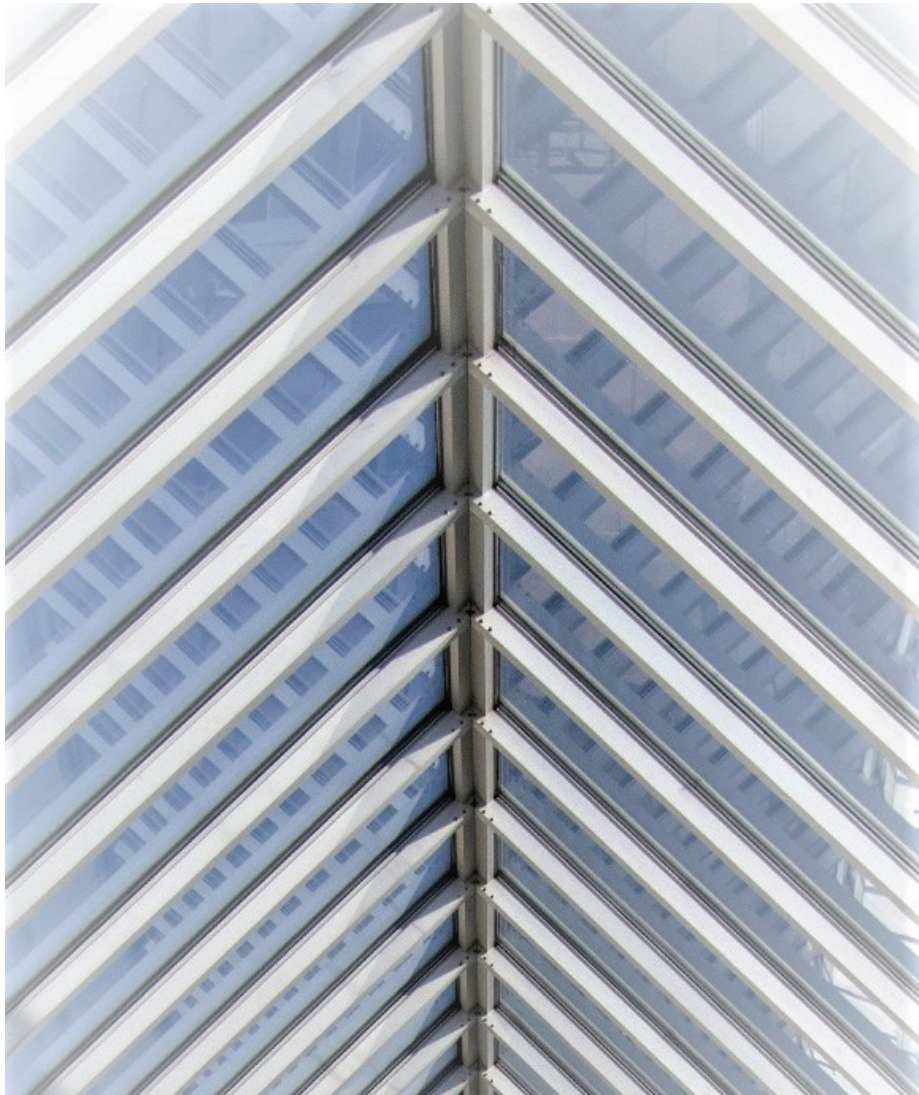


WELDON

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Dalhousie University sits on Mi'kma'ki, the traditional territory of the Mi'kmaq.





LSS PRESIDENT'S REPORT

Ellen Williams 2L

Law schools are home to competing priorities. Alumni, professors, administrators, Dal execs, the law society, the public – all have thoughts on how Weldon should run. As your LSS, our mission is to ensure student interests always come first.

Every decision that is made at Weldon has an impact on students. From choices concerning teaching to those that affect Dal's reputation, the LSS cares about governance at all levels.

Much of our advocacy happens behind closed doors, in conversations with faculty and administrators. We take concerns we hear from students and try to find pragmatic solutions. As such, we spent a great deal of time planning and deliberating to make sure the LSS maintains its reputation as a good faith, honest broker when taking on complex challenges.

At the top of our list is the need for a student-first schedule. 1L can be a tough initiation. 2L is as hard or worse. Though improvements were made from last year, we keep our attention on finding ways to make the year easier for students. Curriculum reform is always a matter of discussion. The more we can do to streamline assignments with other important events in the Dal calendar, like recruitment periods, the more successful students can be.

A student-first schedule also incorporates balance. Law school isn't all about work. Students need flexibility to become involved in what matters to them. After

all, much of what we love about Weldon happens outside the classroom. Our school is home to many groups that enrich the law school experience, from O-Week to DFLA events, Runnymede talks, Law Hour and more. The LSS works hard to support our student societies, both to help their events be a success and to protect their autonomy. We've also arranged a few events of our own – usually centered around puppies or coffee.

We also want to see Dal do all it can to help students land jobs. OCIs and in-firm interviews are a necessary part of law school. Where classes and assignments conflict, it is our position that students should be accommodated. This is an area we continue to advocate for on behalf of students. Another area of concern among 1Ls was how "fail safe" grades are used in recruitment. It is important that 1Ls know in advance what is on the line and how these marks will be represented. While these are ongoing conversations, we are pleased to have receptive ears among the Dean's and Career offices to help make positive changes.

Most of all, we want to hear from you. If you see opportunities where the school can better respond to student needs, reach out to us. If even one class could be improved, let us know. We're here to represent you.

We have a lot to be proud of at Weldon. By helping the school be even more responsive to student needs, we can make it stronger yet. ♪

Voting for the 2019-2020 LSS Executive will take place on March 21st and 22nd. Nominations close March 12th.



QuadrigaCX, **Canada's largest crypto-currency exchange filed for creditor protection in the Supreme Court of Nova Scotia** in Halifax on February 5th. The company's CEO managed most transactions from a laptop in Fall River, NS. The CEO, who had sole access to the encrypted currency stored on the laptop, died suddenly in India in December, 2018 leaving the company's funds functionally inaccessible. The company owes approximately \$260M to over 115 000 customers.

Jodi Wilson-Raybould resigned abruptly from the federal cabinet in the wake of reports indicating the Prime Minister's Office had directed the Justice Minister to intervene on behalf Montreal-based construction giant SNC-Lavalin, which is being prosecuted on charges of corruption and fraud. The Minister of Justice and Attorney General of Canada since 2015 was unexpectedly reassigned to Minister of Veteran Affairs in January prior to her resignation on February 12th. Wilson-Raybould, who has claimed solicitor-client privilege in response to questions regarding the PM's alleged intervention, has **retained former Dalhousie law professor and retired Supreme Court Justice Thomas Cromwell** as counsel.

The first of several trials relating to **perhaps the largest financial scandal in history** got underway in the High Court in Kuala Lumpur. The accused, former Malaysian Prime Minister Najib Razak, faces multiple charges of abuse of power, criminal breach of trust and money-laundering in relation to \$600M accrued in his bank accounts while PM. Between 2009 and 2015 an estimated \$4.5B disappeared from 1 Malaysia Development Berhad, a state development fund. The investigation has revealed a complex web of international interests involved in the grift, ranging from the American investment bank Goldman Sachs to the Chinese government's One Belt, One Road initiative.

A popular **textbook on constitutionalism written by the Chinese law professor Zhang Qifang has reportedly disappeared from bookshops and campuses** across China. The book, "An Introduction to the Study of Constitutional Law," promoted and discussed ideas such as the rule of law and freedom of speech. A law issued in January requires Chinese universities to report any books being used to teach constitutional law to the Ministry of Education.

The CFO of **Huawei**, a Chinese telecoms giant, was arrested in Vancouver in December 2018 by Canadian law enforcement at the request of the US government. Meng Wanzhou faces extradition to the US where she is charged with alleged violations of US economic sanctions on Iran. Shortly after Meng was detained, Chinese authorities took a number of reprisals against Canadian citizens in China, including detentions and re-trials.

John Roberts, the Chief Justice of the US Supreme Court, joined the four liberal justices in a 5-4 decision striking down a Louisiana law requiring doctors who perform abortions to have admission privileges at a hospital within 30 miles of their clinic; the effect of the law would have been to close all but one abortion clinic in the state. The case, *June Medical Services v. Gee*, was seen as an indicator of the **US Supreme Court's approach to abortion rights** after a clear conservative majority on the bench was created by the appointment of Justice Brett Kavanaugh in late 2018. Chief Justice Roberts, a practicing Catholic who held positions in the Reagan and George HW Bush administrations, was appointed by George W Bush and has been a staunchly conservative judge for much of his term with the notable exception of upholding the Affordable Care Act during the Obama administration. ¶

GEOFF REGAN

'83 SPEAKER OF THE HOUSE OF COMMONS

Interview by: **Justin Monahan** 1L

JM: Good morning. Thanks for being here.

GR: Thanks for having me.

JM: You were elected MP of Halifax 1993—the year I was born, by the way.

GR: *Laughs*

JM: You lost your seat in 1997 --

GR: I call that my involuntary sabbatical.

JM: A brief unemployment on your record. After that, you won again in 2000 and haven't lost since. In your time in office, you served as the Minister of Fisheries and Oceans, as Member of the Official Opposition Shadow Cabinet, and as Chair of the Caucus Committee on environmental sustainability--and now finally as Speaker of the House.

GR: Interesting times.

JM: But let's go back to before all that--late 70s early 80s, you attend St. FX for your undergrad. Do you have the ring?

GR: Here it is.

JM: Now, I should have brought a beer so you could drop the ring in.

GR: *Laughs*

JM: You know about this?

GR: No! We didn't ever do that. In fact, when I was there, there was no ring ceremony. And the odd thing is that when my wife and I got married--we were engaged, and it was 1993, when I was busy on the campaign--she was trying to book the Church for December the 4th, for the silliest reason: I'm a Bobby Orr fan and number four's my favorite number, right? But she couldn't get it for the 4th, so we got married on the 3rd. Two years later we learn December 4th is St. FX day. We had no idea at the time. But that's now when they have the ring ceremony.

JM: Well. I was at a party. More social gathering, really. And a St. FX grad dropped a ring in someone's drink and told them they had to finish it. But that wasn't a thing when you were there.

GR: No, no.

JM: Well, I'm sure you never went out, so you wouldn't know.

GR: Oh, that's right. Yes. Do you think they'd believe that?

JM: I wish I'd brought the beer now. So how was your time at St. FX?

GR: I enjoyed it very much. One of the professors who was very interesting was Dr. John B. Stuart. He was an expert in, of all the things, parliamentary procedure.

JM: Which never came up again for you.

GR: *Laughs* Well, not for a long time. At that point, I never thought I would end up in this job, dealing with those kinds of things every day, something he was an expert in. And he ended up, later, being a Senator, using his expertise to work on procedural stuff and the standing orders.

“the Speaker of the House of Commons, the Speaker of the Senate, and the leader of the Green Party are Dal Law grads of the Class of 1983. So we all met each other in September of 1980.”

JM: So you find yourself thinking back to his class.

GR: Of course. And I was talking to a friend recently who was in those classes with me, and he said: Dr. Stuart would be proud I was the speaker. And I'm sure he would be. And he'd probably be amazed too. *Laughs*

JM: At least he's not around to notice any mistakes you might make.

GR: Exactly!

JM: After St. FX you went into law. What drew you to Dalhousie?

GR: I didn't apply anywhere else. This was the law school I wanted to go to. It's a very distinguished law school with a good reputation. I was very fortunate to get in. And to get through. *Laughs*

JM: I think we all feel that way. What was it like back then?

GR: It was well-regarded. At that time, five Canadian premiers, including my father, were Dal Law grads. And now—and I think this is an amazing coincidence—the Speaker of the House of Commons and the Senate, and the leader of the Green Party, are Dal Law grads of the Class of '83. So we all met each other in September of 1980. Elizabeth May and I were in Section C.

JM: And how has the school changed?

GR: Well, a lot has changed. There was a fire.

JM: You weren't here for that, were you?

GR: No, I can't take the blame for that one. And there has been some investment since and there have been some big improvements. My understanding is that it's much harder to get in here now than when I was here.

JM: Well, I don't think so. I am here after all. But at what point did you become interested in public law—law centering around legislation around procedure?

GR: It wasn't really an area I was following at law school. And it wasn't an area I had great interest in even when I was elected. That is, until Mr. Chrétien asked me to be the Parliamentary Secretary to the Government House leader, who was then Don Boudria. In that role, you deal with procedure every day. You go through the books on procedure and the standing orders and use them regularly. Which meant that fifteen years later, in 2015, people were saying: "you should consider running for Speaker." Part of that was them knowing I was familiar with procedural matters. And some fervently felt I had the right attributes for the job, for some reason.

JM: You were thrown in the pool to learn how to swim.

GR: Yeah! And what's funny is that when I look at the fact that Mr. Chrétien asked me to be the Parliamentary Secretary to the House Leader, I had previously backed Paul Martin to be party leader. And I think one of the reasons I was asked to do that particular job is that I was a lawyer. Because it makes sense that a lawyer would be good at managing procedure—what you refer to as Public Law. And so the fact that I went to law school and practiced law, it was one of the reasons I was the Parliamentary Secretary to the House Leader. And without that, I don't think I would have considered running for Speaker.

JM: So law didn't encourage your foray into politics. But once you got there, it put you places you wouldn't have been.

GR: Yes. And also, there's no question that the legal background and practicing law has been one of the routes to politics. But for me, it was also the fact that I was very active in my community in things I felt were important and enjoyed. But growing up in a political family, I knew you could never plan a political career because you never know if you're going to get on the train at the right time. In other words, you may get to be a candidate, but if in that election your party's not doing well, your chances of being elected are not good. As I experienced as a provincial candidate as a 28-year-old in 1988.

JM: After law school, you moved on: what kind of law did you practice?

GR: It was a small firm type of practice: real estate, wills, that kind of stuff.

JM: And did that prepare you for politics at all?

GR: Well, you're dealing with people. The thing is, you're dealing with the public a great deal, helping people with problems they've got. Most of it was real estate law, and in real estate law, on the day of the closing, everyone is happy. Unlike family law or criminal law, which has winners and losers. One of the things that impressed me through that process—not just in real estate but in other areas—was how much you could trust other lawyers. That isn't a reputation lawyers have. But my experience was that members of the Bar were terrific in being helpful. On the odd occasion, if you had missed something, the lawyer on the other side would point it out to you. Because they were, I found, honest, decent people.

JM: People paint the law as adversarial, as it can be. But so much of law is really about deal-making.

GR: My daughter is a litigator in commercial and construction law. And even the best litigators, after the days' done, can be friends. They can respect each other and be on friendly terms elsewhere. And that's true of many politicians as well. Sadly, not all. As Speaker in particular, I'd like to see that in everybody.

JM: Your career has been successful. But your party hasn't always been.

GR: And there's ups and downs in every party. And I kind of marvel at the fact that I managed to survive the government in 2006 and particularly that I managed to survive in 2011, when the Liberal party had the worst result in its history.

JM: Tell us what that's like being part of an opposition

party, especially after that election.

GR: Well it was quite a setback, to say the least, to come third, with the history of the Liberal party in Canada. That was a very tough, frustrating election. But it was interesting to be in opposition. When you're in the position with a minority government to have to make those decisions: do we defeat the government on certain things and cause an election, when the public doesn't want an election?

JM: What kind of actions do you have to take to rebuild a party?

GR: Part of that is trying to be effective in opposition, in question period, on television panel discussions, but also when traveling the country as MPs and supporting the local work of volunteers and local candidates. Getting out there and helping out. But for me, I thought part of it was to work hard at my own seat and to keep doing my job as well as I could. To regularly get out and talk to people and knock on their doors. So I do that between elections. It's part of my job but also helps me be a better MP.

JM: So you try to represent your constituents as well as you can as an example for the rest of the country.

GR: As far as I'm concerned, your first responsibility is your constituents. Then there are your responsibilities to your party, which is to win your seat and do a good job in your riding. But as I referred to with the train going by, you don't control a lot of things. Especially at the national level. I can't think of any election of which I haven't seen a good MP lose their seat because the trend was against their party.

JM: Or because of national policies their constituents didn't agree with.

GR: Sure. Or because of the popularity of their leader, or whatever.

JM: What do you make of this tendency to vote for a leader instead of an MP?

GR: I heard this years ago: even though most people say they vote according to the candidates in their riding, only 5% of Canadians actually do that. Which isn't surprising considering that when you watch the news every day, the coverage you get is mostly national--what the leaders are saying or doing.

JM: How did you come to be Speaker of the House? What was the election process like?

GR: After the election, I was hearing more about my becoming Speaker from colleagues. Having had the background as Parliamentary Secretary, that made sense. So I made calls to different MPs and found support from all parties. I kept making calls and contacts. We

developed a bit of a campaign as different colleagues offered to make calls and help out. And I was very pleased and gratified with the support I was getting in all parties. What the reaction would be today, I don't know, because there are days I feel they're all annoyed at me for various reasons. And sometimes that's ideal. If you feel both sides are equally annoyed with your decisions, that's a good day.

JM: You've united them in opposition to you.

GR: *Laughs*

JM: What's it like trying to referee specific disagreements?

GR: It's not so much about specific disagreements. When there are points of order made, generally speaking, you can go away, work out the ruling with procedural clerks, come back—days later, usually—and present the ruling. By then, whatever people were upset about has cooled down. But there are times you have to make a ruling on the spot. And almost

“It's not always the brilliant people who end up doing well. It's those who are dogged and persistent. Keep working at it. People who work toward and persist with worthwhile goals not only often succeed but grow.”

inevitably someone's annoyed at that. One side or the other is yelling out that it's unfair. Which can be frustrating. Not everybody yells. And not everybody heckles. But some do.

JM: Do you find this yelling and heckling is really just posturing for the outside media? And how do you deal with that?

GR: Of course it is. And when it comes to decisions of the Speaker, I find sometimes it's a bit like refereeing a

hockey game. Sometimes, when the coach is yelling at the referee it's less about the decision that he or she just made than it is about trying to influence the next decision. They want you to think you've been unfair towards them in hopes that the next time, you'll have that in mind and feel you have to make up for it in some way. I suspect people would object to that strongly. But that's the feeling I get in my role.

JM: Do you have to work to prevent that type of thinking?

GR: Yes. You have to keep doing your best to be fair. To call it as you see it. In terms of what I know of the standing orders and practices and conventions of the House of Commons, I try my best to do it fairly and according to the rules. Sometimes you don't act quickly enough and you feel like you should have. You're not always going to get it to exactly right. But you do your best.

JM: As Speaker do you think you'd appreciate some kind of instant replay and review?

GR: *Laughs* Well, I mean, there are times. I guess I'd put it this way. There are times when you wished you reacted a little more quickly or worded that a

little more differently. It's hard for me to imagine a politician who wouldn't like that sometimes.

JM: If you could talk to yourself when you were coming out of St. FX, is there any advice you'd like to give yourself?

GR: A couple of things. One is: the greatest predictor of success is the ability to delay gratification. What I mean is that it's not always the brilliant people who end up doing well. It's those who are dogged and persistent. Keep working at it. People who work toward and persist with worthwhile goals not only often succeed but grow. Even if you don't gain the objectives you're after, you'll find yourself growing in that process. The second thing is if you want to sleep well and lower your stress level, one of the best ways is regular exercise. Makes a big difference.

JM: Thank you very much.

GR: Thank you! 🍷

The Weldon Times would like to thank the Speaker of the House of Commons and the Speaker's Office for graciously making time to speak with us.





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Professors and Politics

Can critical thought survive conformity?

Reagan Seidler 2L

Diversity is the flagship cause of Dal's law school. Does that commitment extend to ideological diversity? The results say no.

Analysis of faculty political donations show 86% support for left-of-centre parties. Of the 28 on-the-record contributors, 2 support green parties, 16 the NDP, 6 the Liberals, and 4 conservative parties.

The results are unlikely to come as a surprise. As one professor tweeted ahead of the 2015 election: "Libs & NDP work together... No Conservative gov't. For the love of Canada. Please." (see chart on page 7)

Dal's results mirror those seen elsewhere. A 2018 study by Stanford's Adam Bonica showed a mere 15 per cent of US law faculty are conservative. His data are consistent with five preceding studies finding liberals make up between 75 and 86 per cent of law faculty. As Bonica contends, "there may be sorting into the legal academy or discrimination on the basis of ideology."

Bruce Pardy, a professor specializing in environmental and constitutional law at Queens, notes the implications for students are wide-ranging. For one, ideological uniformity impairs teaching effectiveness.

"When law professors share the same political leanings, learning the law is apt to become more a matter of indoctrination than exploration and critical thinking. Some people fear challenge from opposing viewpoints but it is only through being challenged that you can figure out what you really think and why. If you cannot defend your position with argument and reason, then you probably do not understand it yourself – and in the absence of intellectual and political diversity, serious challenge is absent."

Legal research can be similarly impacted. A 2016 empirical study by Posner and Chilton show law professors' writings are often politically-biased despite being presented as neutral. Such bias undermines professors' standing as expert commentators, they note, and impairs development of the common law. One solution? "A balanced faculty would be particularly helpful."

Weldon's strategic plan is clear on the value of diversity. "We see equality and inclusiveness as fundamental to education – especially to a legal education, which is concerned with the power of law to shape the kind of world we want to live in."

Nova Scotia's Human Rights Act recognizes "political belief, affiliation or activity" as characteristics as fundamental to a person as gender, race, or religion. It cannot be said Weldon exercises its power democratically if it excludes a good portion of the political spectrum.

“It is only through being challenged that you can figure out what you really think and why.”

"Gaps" in hiring with respect to other human rights grounds would typically call for affirmative action. Weldon may not achieve balance without.

"Within universities, like begets like," notes Pardy. "Faculty members have a significant influence on hiring decisions, and professors are inclined to support the hiring of new professors who think like they do. Once you have a critical mass leaning in one direction, it is difficult to right the ship."

While these problems are real at an institutional level, individual faculty should not be faulted for political involvement.

Asked for comment, the Canadian Association of University Teachers pointed to their statement on academic freedom. It reads, in part, that “academic freedom does not require neutrality” and includes the right “to contribute to social change through free expression of opinion on matters of public interest.” A separate policy statement expressly asserts that faculty should be free to run for office.

Given professors’ ability to speak as subject matter experts, their voices play an important role in policy development. The problem emerges when, at an institutional level, a lack of dissenting voices hinders debate and creates pressures to conform.

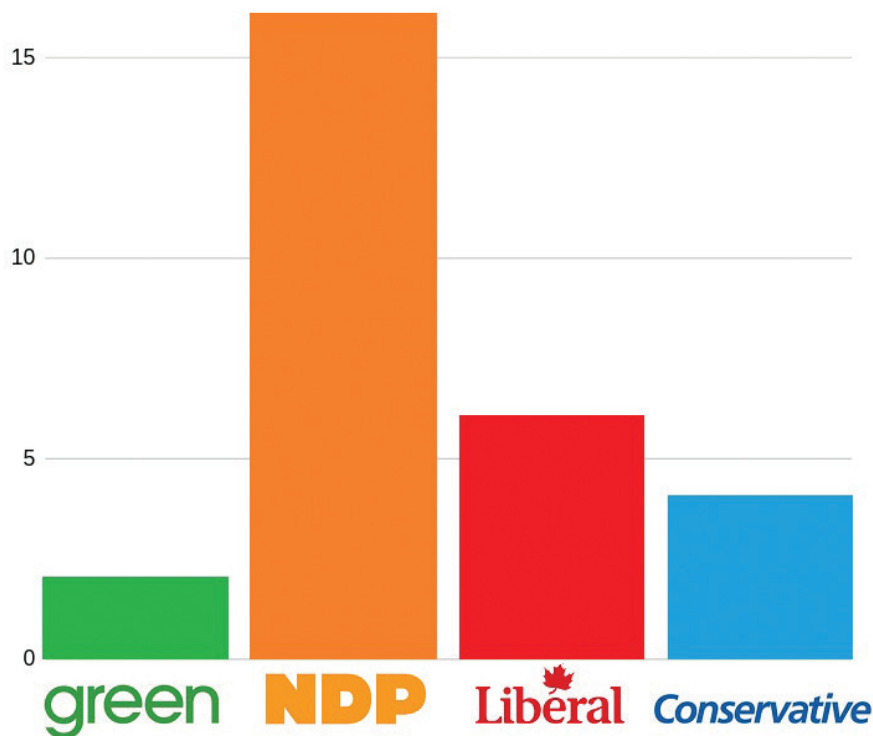
“Principled deans and professors should insist in keeping the institution itself as a politically neutral body,” suggests Parry. “Individual professors can legitimately express any view they wish as independent academics, but the role of the institution is simply to house a collection of scholars, each with their own take.

“There always must be academic freedom to state views that are unpopular and contrary to prevailing orthodoxy.”

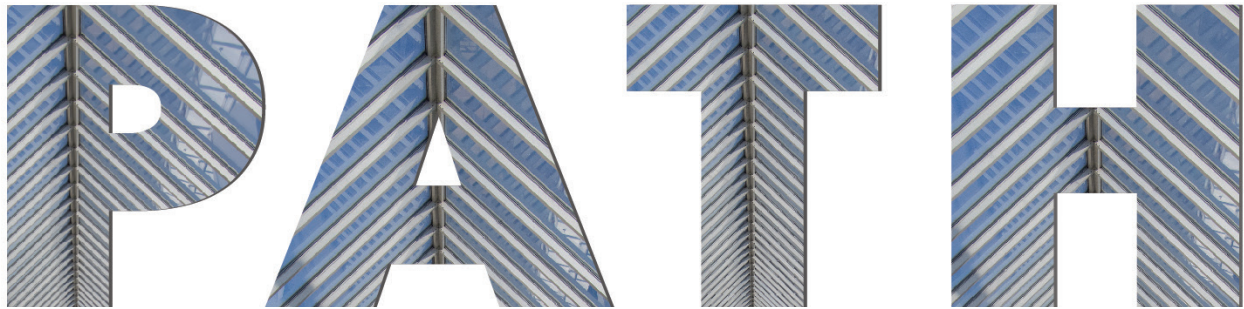
Methodology

Names of 108 instructors, as listed on the Schulich website, were input into a political contributions database created by the National Post. The database compiles federal, provincial, and territorial donor records from at least the last 10 years. Name matches were examined against other available data, such as donor location, to eliminate false positives. Donations matching common names or unlikely locations were not included. It is possible this process included or excluded valid donations as a result.

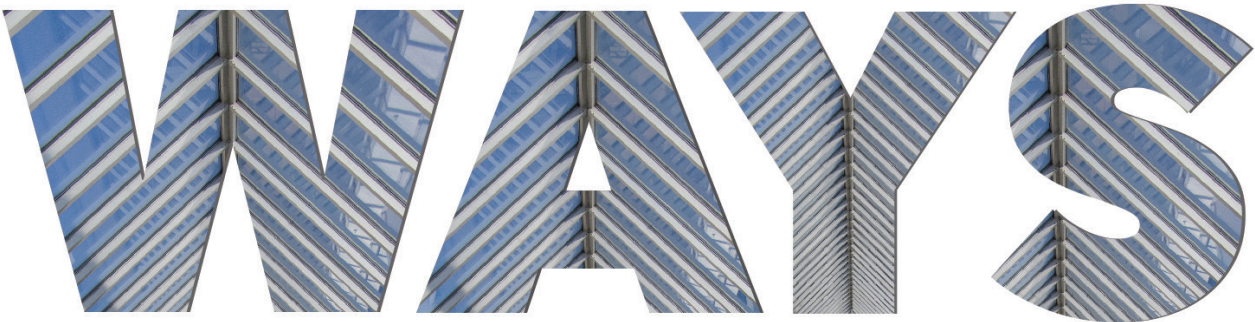
While donations are not an infallible indicator, they are the most accessible objective sign of partisanship. Donation analysis is also the method preferred by leading researchers in the field. Their primary failure is underinclusivity. One can identify with, advocate for, and even run for a party without donating. Many more are intractably “left” or “right” but do not make the connection to a party. As such, the results almost certainly under-represent Weldon’s the level of partisanship. †



Send your Letter to the Editor to: weldontimes@dal.ca



PATHS



WAYS

Weldon is a rich, diverse community of unique students. At times, law school can feel a bit like a maze with multiple solutions: each one of us is engaged in finding our own unique path and experience within the broader law school template. In this issue Weldon Quarterly asked a number of students to tell us about the pathways they have chosen and share their experience with the community. In the process of putting this issue together, I have had the privilege and pleasure of getting to hear from some extraordinary fellow travelers while gaining a fuller appreciation of the pathways and opportunities Weldon has to offer. I hope you enjoy reading and sharing in their experiences as much I have. Many thanks to all our contributors.

Happy Trails!

Joel



Pathways: Placement at the Nova Scotia Court of Appeal

Fabian Suarez-Amaya 3L

I recommend to any students to take an opportunity to do a placement if possible. Shockingly, by your third year, you may be somewhat unexcited about repeating the same law school process yet again. Do readings, make notes, study for exams, write exams, repeat (or maybe “Do nothing, cram intensely, write exams, repeat” - I don’t know lifestyle).

The placements give you an opportunity to do something beyond that - and to also contribute your time and energy in a way that might actually be of use to someone. One of the frustrating parts of the three years here is how little the learning process for law school courses engages with or involves the broader communities. Less so with the placements.

Of course, the Dal Legal Aid Clinic is well-known. But there are also many other worthwhile options. I am currently in the Crim Clinic, which I could rant enthusiastically about for several consecutive minutes, but for some reason it flies under the radar.

There are several clerkships, at the NSCA, the NSSC, and (lesser known!) at the Family Court. There are also several public law placements. I’ll briefly speak to my experience at the NSCA.

The placement at the Nova Scotia Court of Appeal is a research and writing placement.

The NSCA has three full-time clerks who work there throughout the year, for the 11 Justices. One of the clerks is responsible for supervising the students, but I worked with all three of them.

The Court has a docket for the semester, and you take a look at what’s coming up and let your supervisor know what you’d like to be involved with. They do their best to accommodate that, and if any research questions come their way from that appeal, they include you and try to segment off a component of the question for the student to work on.

Most days, an appeal is being heard. We were always welcome to come in and watch the appeals, even if it wasn’t one we were working on. I was really shocked by the prevalence of self-represented parties at the Appellate level. I would have thought that it would

have been too legally complicated and technical to get the appeal that far. But it is actually quite common. Unfortunately, the self-represented parties often had a lot of difficulty in their advocacy. It wasn’t like the other lawyers were browbeating them with objections (at least not as far as I observed), but even with my relative inexperience, I could tell that they were often wandering away from what was legally relevant to the disposition of their claim.

“ Court placements give you an opportunity to do something beyond the basic law student experience.”

However, I did think that the Justices were relatively fair to the self-reps. The clerks’ (and students) instructions involved researching all relevant information about a given issue - so even if a factum or oral argument wasn’t the strongest, the court would still do its best to actually find the right answer - again, speaking from my limited experience.

After the appeals, we would sometimes go and talk to the Justices afterwards to get their opinions on the merits of the cases, or on the advocacy (except for the

time Justice Bryson caught me napping in his court - I was far too humiliated to go and talk to him after). The discussions with the judges were really interesting, to get a better impression of how they were understanding the case, or how they had perceived the appellants and respondents. In one case, a clerk and I spoke to two different Justices consecutively right after hearing a case: to hear completely different takes on what they had just heard. Both very, very intelligent individuals, but with markedly different opinions on what had just happened. Obviously, we've all read plenty of cases and we understand that dissents occur - but it was very fascinating to watch potential disagreement in real time. Which leads me to another thing: it was a valuable, but perhaps disconcerting reminder that the Justices are humans. Competent and intelligent humans! (I'm thinking of Justice Beveridge directly quoting a bizarre anecdote I had told him in conversation some two weeks prior, or Justice Bourgeois reciting the case history and evidentiary timeline from memory when I went to see her with a question). But people nonetheless. Reading caselaw, you can forget about the person behind the decision, but cases are ultimately decided by people. The majority of the time I was there, I was working in a weird little office with a weird little lamp. I submitted

three memos during the time I was there: one criminal case and two civil cases. Interestingly enough for me, I had very different types of research tasks.

On one memo, I had to do a very textbook law-school style analysis of previous jurisprudence on particular provision. What do past cases say? How do the facts of our case compare or contrast to the facts of those cases? In another one, I had to do some hardcore statutory interpretation, which I was very bad at. Sorry everyone. The last one, I had to review the record in depth and actually discuss the various evidence that had been adduced at the trial level. They were all pretty lengthy: the first two about 5000 words, and the third one about 3500 words.

The clerk gave different levels of supervision: one of them gave very frequent feedback and advice, while two of them were more hands off - I imagine this is a highly individualized thing. It didn't seem like there was very much structure in that regard.

It was a really terrific chance to get a better understanding of how our court system works, from the inside. To be able to accomplish a course, learn theoretical law but also learn about the practical nature of the system at the same time, was really worth it. ♣

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We've all read plenty of cases and we understand that dissents occur - but it was fascinating to observe the disagreement in real time.

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Pathways: The JD/Master of Business Administration Combined Program

Charlotte Henderson 2L

Weldon is a diverse community of individuals interested in and passionate about the study of law. While there is great diversity among the students regarding the areas of law they want to study and what, ultimately, they want to do with their legal education, there is one group of 30 students that takes a slightly more intense approach to their learning: multidisciplinary students.

The Schulich School of Law is one of a number of law schools in Canada that allows law students to combine their law degree with one of four different Masters degrees: Master of Business Administration (MBA), Master of Health Administration (MHA), Master of Library and Information Studies (MLIS), and Master of Public Administration (MPA). Students in these combined programs dedicate four years to the study of law and their requisite Masters degree. The programs are structured such that students complete the first full year of each degree independently during their first two years in the program, and then combine classes from both disciplines in their final two years in order to meet their unique credit and course requirements.

While there are a number of benefits to combining law with a Masters degree, it is not always smooth sailing for students. Navigating the programs can be difficult at times, with scheduling conflicts and communication issues often requiring these students to go above and beyond to coordinate various aspects of their education. Even so, these students embrace the challenge, relying on their fellow combined students for help and support, and look forward to the unique experiences and opportunities these programs provide.

The Weldon Times recently sat down with Charlotte Henderson, a 2L in her third year of a JD/MBA and the current Multidisciplinary Student Representative on the Law Student Society (LSS) Board of Directors, to talk about her experience at Weldon and in the combined program.

Weldon Times: What drew you to the JD/MBA program?

Charlotte Henderson: My route to the JD/MBA was probably a bit more circuitous than my fellow combined students.

I did my undergrad in political science and psychology and, although I was incredibly passionate about the development and implementation of K-12 curricula in Canada and Canadian education policy more broadly, I also knew I wanted to do something that didn't pigeon hole me into a specific career for my entire life. I have always loved having a diverse schedule and the idea of doing one thing and one thing only for the rest of my life was terrifying. So, like most political science students, I thought law school seemed like a good option.

“I knew I wanted to do something that didn't pigeon hole me into a specific career for my entire life.”

At this point, I was in my third year of my undergrad and one day one of my professors, ironically the one who was really pushing for me to do my MA in education policy, brought in a guest speaker to talk about the MBA program at Dal. I really wasn't super interested in that concept, and had definitely never considered doing an MBA, but when she mentioned that you could combine it with a law degree my interest was piqued.

I went home, started doing some research, and was really taken with what the MBA program had to offer and the ability to combine it with law. The more I looked into it, the more interested I became, and, in the end, I basically just thought, “why not?” – and here I am.

WT: How did the reality match your expectations?

CH: Interestingly enough, I didn't really have many expectations. I mean, I had some ideas of what law school might be like, same for the MBA, but I just didn't know enough to really form any major preconceived notions of what each of the programs would be like, let alone what they would be like once combined. Even if I had though, I don't think I would have ever been able to anticipate the journey that I've been on. To a certain extent, I was expecting the MBA to be pretty competitive, intense, and very formal. While it is definitely intense and shrouded in a level of professionalism that was not there in my undergrad, there is a camaraderie there that is quite contrary to what most people might assume. In the first year of your MBA, you do everything with your cohort – every class, every project, every event. You are with these people all the time. Yet they are the kindest most helpful group of people I have ever had the pleasure of working with. That typical business school competitive mentality is definitely not there – everyone wants to see everyone else succeed and it shows.

Law meanwhile, is a lot more theoretical and independent. With the exception of the facts and moots in first and second year, there really aren't any group projects. You really have to take charge of your own learning because there are rarely assignments along the way to check up on your progress and the principles that are taught in law are much more open for interpretation. There is a certain amount of rigidity in business that doesn't necessarily exist in law – I can know that return on equity will always be net income divided by shareholder equity but I can't always know what will constitute a 'reasonable person'. It is a very different way of learning.

I should be clear in saying that I don't think one is any better than the other. The requirements of the programs and the nature of the employment opportunities that arise from each of the degrees necessitate a certain approach to learning that is dramatically different one from the other. What I find really interesting, is getting to experience both. You really start to realize that, as humans, we can adapt pretty well to different instructional styles and are surprisingly good at making the best out of many different situations.

The other fascinating thing is how interconnected they are. I suppose I could say that the only real expectation I had about the program was that there would be the MBA classes and the MBA knowledge, and then there would be the law classes and the law knowledge. Basically, that they would be these two very different entities with very little, if any crossover. Was I ever wrong!

As soon as I started 1L (my second year in the program) I began to realize how relevant the two disciplines were to each other. It was not necessarily always super overt, and some classes were much more relevant to business than others, but that connection was always there. It was so cool having that business background and then going to law classes and seeing how interconnected everything is – and it only gets more interesting as you start taking more focused classes. It really opened my eyes to how pervasive and important law is as a practice and how relevant it is to just about everything we do in life. It was really cool for me when that all started to click.

WT: What opportunities did the program create for you?

CH: That's a tough question, partly because I still have a year of school left, then a year of articling after that before I really know what opportunities there are for me, but also because I don't think I will really ever know the full extent of opportunities that are available. Since starting this program, the one consistent thing that pretty much every practicing lawyer has said to me is how smart it is to do a combined degree and how much they wish they had done one. I don't say this to sound stuck up or almighty, a combined program is definitely not for everyone, but I do think that it has opened some pretty unique doors that definitely would not have been opened otherwise.

The best example for me is probably the company I currently work for: Dragon Veterinary. As part of the first year of the MBA, you are required to complete an 8-month residency. It is a paid work term where students get to experience the working world and put their business acumen to the test. For my residency, I ended up with Dragon, a small, local start up that sells voice-to-text software to veterinarians and human medical doctors. When I started, I was one of only two full-time employees so really had the opportunity to contribute to the growth of the company during those 8 months. We clicked so well that they have kept me on part-time ever since.

At face value, it is easy to say that I never would have been connected to Dragon had I not done the MBA, but it's a lot more than that. My education put me in a very unique and interesting position in the company as no one else had that legal background. As a result, I ended up getting to be involved in areas of the business that would have otherwise been inaccessible to me without it, even though it was still very early days. This exposure also benefitted my legal education, as I got to experience first-hand how law and business interact.

What it also did for me was introduce me to the world of start ups, an area for which I have developed a real

passion, both from a business and a legal standpoint. I doubt I would have ever discovered that had it not been for the unique knowledge and skillset the combined program provides. From here, and having that knowledge, even more doors are opening, and I'm pretty excited to see what opportunities may arise from those connections, interests, and experiences.

WT: What are some of the greatest challenges you have faced in trying to navigate these two programs?

CH: While this program has been fantastic for me, there are definitely some difficulties with trying to

“ *It was so cool having that business background and then going to law classes and seeing how interconnected everything is... It opened my eyes to how pervasive and important law is as a practice and how relevant it is to just about everything we do in life.* ”

navigate and balance being an active member of two different faculties. I think I can probably speak for most if not all of the 29 other combined program students that doing a JD/Masters takes a bit more effort on the part of students to ensure that the administrative side of our combined programs is taken care of.

The biggest challenge I would say is communication. While each faculty is fantastic for intra-program communication, there is often a disconnect between the programs, and even sometimes with Dalhousie as a whole. Students in the combined programs often have to go the extra mile to ensure we are on all the appropriate Listservs because we don't follow the same program progression as everyone else and have

to be switched regularly. We also don't really have any set program advisors, so, while there are a few administrators and professors who are real champions for us, and definitely go above and beyond to try and help, we end up having to rely heavily on that camaraderie I previously spoke about.

There is a long way to go in terms of improving the coordination of these combined programs, and it's a real team effort, but some progress is definitely being made. I am working with a really keen group of students this year to identify the pain points in the JD/Masters programs and work at developing solutions for how to address those. All 30 combined students have been really engaged and interested in helping make things run a bit smoother and I truly think this, along with the support of our administrators and professors, will be our key to future success.

WT: What should someone thinking about the program understand before they apply?

CH: I think students who are interested in this program need to understand that it is a lot of work, but that work pays off in spades!

I truly love this program and cannot imagine having not chosen to go this route. It really suits me, my interests, my learning styles, and what I want out of my future. Plus, I cannot imagine not knowing the people that I have met as a result. That being said, it also isn't for everyone, and I would encourage anyone who is interested to do their research, chat with some current students, and make sure that this is what they want before engaging. Honestly, this is the advice I would give to anyone considering any program, but I think it is particularly true given the time and monetary commitment that is required for this undertaking.

I am very lucky that I found this program in the place that I found it. I have had such an incredible experience here and met so many wonderful people that I am certain will continue to impact my life in positive ways for many years to come. It has not been without it's struggles, but I also think that the best things, the things that are most worth it in the end, are sometimes the most difficult. With the right interest, drive, work ethic, and maybe just a little bit of crazy, I think this program is an amazing opportunity to broaden your knowledge base and gain a unique perspective that will only further your life and career goals and opportunities. As tough as it has been at times, I don't regret a single second of it, and I think that students who are interested in this program will know when they see it that this is the program for them. ♪



Pathways: The JD/Master of Health Administration Combined Program

Heather Webster 3L

Dalhousie University offers the only combined J.D. and Master of Health Administration program in Canada. This is fitting, as the Schulich School of Law is also home to the well-recognized Health Law Institute. There are currently only 11 students enrolled in the combined program, and we each have had unique experiences throughout the program. The program provides a wide variety of opportunities to those enrolled, and so students often end up involved in a wide variety of activities and employment experiences based on their interests.

I decided to do the combined program because I was interested in both law and health policy on the one hand, and organizational leadership and administration on the other. I had spoken with health executives at local organizations who indicated that almost daily, legal issues were crossing their desks. This suggested that having a background in law would be beneficial for a career in health administration. Of course now that I am nearing the end of the program, I am for now more interested in practicing health law, but the door remains open for transitioning into a health administration career.

The Mechanics of the Program

In this combined program, students spend a year taking only Health Administration classes, a year in 1L courses, and then the final two years of the program taking courses from both the Faculty of Health and the Faculty of Law.

The Master of Health Administration courses are designed to equip students to take on leadership roles in a variety of healthcare organizations, such as hospitals and long-term care homes, and in the private sector. The courses we take in this part of the program are very different from those at Schulich, both in terms of the content and the format. Required courses include Change Management, Accounting, Strategic Planning, Health Policy, Human Resources, Epidemiology, Health Outcomes and Quality Management. The courses also typically involve a lot of group work, presentations and papers – again, very different from the often 100% finals and solo work we do in law school!

One of the best parts of the combined program is the opportunity to do a 16-week residency during the summer after the first year of the program. Students are often placed with senior health leaders in a variety of sectors and spend the bulk of their time shadowing and also contributing work. I had the opportunity to do my residency with a Vice-President & Chief Legal Counsel at the Nova Scotia Health Authority while medical assistance in dying was becoming law. It was interesting to see how law is translated and implemented on the ground. Other combined program students in recent years have done residencies and placements with organizations such as Health Canada

“Through these experiences I have learned about the wide variety of health professionals working with patients and about the ways in which these professions intersect with legal issues.”

and Medtronic, a healthcare technology organization. Through the program there are many opportunities to write papers and work with health care organizations, and many students have worked with in-house counsel at the IWK, the Nova Scotia Health Authority, and the Department of Health and Wellness, to name a few examples!

Interprofessional Learning Opportunities

I think one of the things that makes the combined program unique from the J.D. program is the opportunities for interprofessional collaboration with students from the Faculties of Health, Dentistry, and Medicine.

For example, in my first year I participated in an event called the Health Care Team Challenge, in which interprofessional teams of students worked on a health care case together. I was on a team with students from medicine, respiratory therapy, dentistry, physiotherapy and pharmacy, and we worked to develop a care plan for a child with asthma. Although I obviously did not have much to contribute for the pretend patient's care, I served the role of facilitator for the team and brought forward other considerations such as access and cost of care for the patient.

Combined program students over the years have been involved in leading "HOPES", a student-led health centre for marginalized populations in Halifax. I was involved in leading the group to open the centre and much of my focus was on governance for the group, strategic planning and organizational policy development.

Through these experiences I have learned a great deal

about the wide variety of health professionals there are working with patients and about some of the ways in which these professions intersect with legal issues. I have tried to show the value of having someone with a background in health administration and law contribute to health care projects, organizations, and teams.

Career Opportunities

Alumni from the J.D./M.H.A program work in a variety of different settings, including as in-house counsel for hospitals and regulatory bodies, as lawyers in boutique health law firms offering advice to health administrators, and practicing malpractice law at firms. Career opportunities include: health law work, including both malpractice litigation and corporate health law work at any size firm; in-house counsel work at health organizations and regulatory bodies; health policy or legislative work; health administration work; or academia. The diversity of career opportunities is reflected in this year's combined program graduating class, as we are all heading in different career trajectories.

Heather Webster is a student in the final year of the combined JD/MHA program. †





Pathways: The JD/MLIS Combined Program

Nancy Li 3L

Interview by: Emma Chapple 3L

What is a J.D./M.I. (sometimes known as a J.D./M.L.I.S.)? It's a combined Juris Doctor and Master of Library and Information Sciences. Now that we've learned that, you may be thinking: what can you do with a combined J.D./M.I.? The answer, says Nancy Li, is a lot!

"If you enjoy legal research and writing, want to become a more savvy legal researcher or wish to pursue an alternate career as a research lawyer, law firm knowledge manager or academic law librarian, I recommend considering the J.D./M.I. program," she says.

Nancy is a 3L student in the Juris Doctor and Master of Library and Information Sciences program at Schulich Law, and when she's not tearing it up at spin class, or updating her oh-so-aesthetically-pleasing Instagram feed, she's studying in the four-year program. The program is offered jointly with Schulich and Dalhousie's School of Information Management.

She heard about the program through her Legal Research and Writing professor in 1L, and entered the program in September of her second year. The program begins with two introductory years, one for law and one for the M.I., and then two more years of upper-year law classes and M.I. courses. Upper-year students will take two M.I. courses per year in addition to required and elective courses at Schulich Law.

What exactly can a J.D./M.I. offer that a traditional J.D. can't? So far, Nancy has gained an eye for how information is used and shared in a law practice and the increasing role technology plays.

"The JD/MI program equips you for the evolving information landscape with the rise of artificial intelligence to streamline practice management and research for competitive intelligence and business development," she says.

"I have gained keen insight on how information management affects the legal profession through courses offered by the School of Information Management as well as practical work experience."

That work experience includes working at the reference desk at the Dunn Law Library (perhaps you've seen her around) and as a practicum student for the knowledge manager at Stewart McKelvey. In addition, she is also the law student representative for Thomson Reuters.

While Nancy will be articling at a litigation firm after graduating, she's glad to have gained the knowledge and effective legal research skills from studying in the program.

"I strongly believe that the J.D./M.I. program has illuminated so many options for my future legal career beyond the practice of law."

"If you want to become a more savvy legal researcher or wish to pursue an alternate career as a research lawyer, law firm knowledge manager or academic law librarian, I recommend the J.D./M.I. program."

So, what advice does she have for current students considering the program? She says students can get involved by reaching out to people in the legal information profession – she says mentorship has given her a great advantage – or joining the Canadian Association of Law Libraries (also known as CALL). Another great way to get a foot in the door is to volunteer at CALL's annual conference, which brings together legal information professionals from across Canada.

If you want to know more about the J.D./M.I. program, contact Admissions at the Schulich School of Law. ♣



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Supreme Court of Canada Spring Docket

Addison Nickoles Wakefield v Her Majesty the Queen

*Relevance – Criminal Law | Evidence
Alberta | Criminal | As of Right*

At trial, the appellant along with a co-accused, were found to have gone to the victim's house to collect on a drug debt with the intention to commit a robbery or to intimidate the victim. In the course of events that took place the appellant fatally stabbed the victim in the legs with what the appellant alleges was a pocket knife. The appellant was found guilty of second-degree murder. On appeal, the appellant argued that the trial judge failed to properly consider whether the crown had proven the **fault elements** of the offence. Although the majority concluded the trial judge made some errors, they nevertheless found in favour of the Crown. The dissenting justice concluded that although the evidence at trial indicated the accused meant to cause bodily harm, there was no evidence to indicate that the accused had any knowledge of the foreseeable consequences of that harm.

Mitra Javanmardi v Her Majesty the Queen, et al

Relevance – Criminal Law | Charter of Rights & Freedoms | Quebec | Criminal | As of Right

The appellant was acquitted at trial of both criminal negligence causing death and manslaughter. The appellant practices naturopathy (a form of alternative medicine) and operated a clinic in Montreal. The appellant is not licensed to practice medicine. The appellant administered an intravenous injection to a patient. The injection contained a large number of bacterium and this resulted in the death of the patient. The court of appeal found that the trial judge misapplied the **test set out in Creighton**, and a correct application of the test warranted a guilty verdict for manslaughter. The court of appeal substituted the acquittal for a guilty verdict and also required the appellant stand trial again for criminal negligence. The appellant appeals that decision and raises a Charter challenge to the relevant sections of the criminal code.

Marie-Maude Denis v Marc-Yvan Côté.

*Relevance – Constitutional Law
Quebec | Civil | By Leave*

The respondent was under investigation relating to charges of fraud, bribery, corruption, and breach of trust. He alleged that documents arising from the police investigation ended up in the possession of the appellant, an investigative journalist for Radio-Canada. The appellant published these documents. The respondent filed a motion to stay the criminal proceedings against him on the grounds that the information published by the appellant was deliberately leaked by agents of the Crown, and that this amounted to an abuse of power compromising his right to a fair trial. In order to support his position, the respondent sought a summons to require the appellant to testify so she would be forced to disclose the identity of her sources. In response, the appellant applied to have her summons quashed. She relied on the premise that **confidential sources** needed to be protected. The Court of Quebec dismissed the motion by the respondent, but the Superior Court allowed the appeal and ordered the appellant to divulge her sources. The court of appeal dismissed the subsequent appeal by the appellant on the grounds that it had no jurisdiction to rule on the matter. The appellant now appeals to the SCC.

Landon Williams v Her Majesty the Queen

*Relevance – Criminal Procedure
Ontario | Criminal | As of Right*

The appellant was charged with trafficking crack cocaine, various firearms offences, and possession of the proceeds of crime. He was arrested after a confidential source tipped off police who then purchased the drugs from the appellant on two occasions. After arresting the appellant, the police discovered a handgun and ammunition in the subsequent search. The trial judge decided that the appellant had been **entrapped** and that the police did not have a reasonable suspicion that the appellant was involved with any drug trafficking

at the time when they first gave him the opportunity to commit the trafficking offence. The judge granted a stay in proceedings in regards to the trafficking offence. The court of appeal quashed this decision holding that the police were engaged in a bona fide investigation at the time when they gave the appellant the opportunity to sell the drugs. The court entered a conviction on the drug charges.

Carl Douglas Snelgove v Her Majesty the Queen
Relevance – Criminal Procedure | Newfoundland & Labrador | Criminal | As of Right

The appellant is a Royal Newfoundland Constabulary Officer and was on duty at the time of the alleged offence. At trial he was acquitted of sexual assault. The main issue was whether the complainant consented to the sexual activities. The complainant was intoxicated at the time and could not recall, at trial, if she had consented. The appellant claimed that the complainant initiated the sexual activity and that it was consensual. At trial the crown requested the judge instruct the jury that under s. 273.1(2)(c) of the Criminal Code consent is vitiated if the accused **induced the consent by abusing a position of trust**, power, or authority. The trial judge refused to instruct the jury on that section on the grounds that, given the evidence at trial, it would be unjust to suggest to the jury they could infer inducement and find that consent was vitiated. The

majority of the court of appeal ruled that the trial judge erred in not instructing the jury on s. 273(1)(c). One justice of appeals dissented.

Attorney General of Newfoundland and Labrador v Unshaunnuat (Innu of Uashat and of Mani-Utenam), et al.

Relevance – Aboriginal Rights | Constitutional Law Quebec | Civil | By Leave

The respondents claim Aboriginal rights and **title over an area of land that overlaps Quebec and Labrador**. The respondents brought a claim in damages against two companies for mining operations conducted on these lands. The Superior Court of Quebec determined that Quebec courts have jurisdiction to hear the entire matter including the Aboriginal title and damages claims in respect to the lands in Labrador. The Attorney General of Newfoundland and Labrador (AGNL) appealed to the Court of Appeal of Quebec which affirmed the lower courts ruling. The AGNL now appeals to the SCC arguing that Quebec courts have no jurisdiction relating to matters that fall outside the boundaries of the province of Quebec.

Randolph (Randy) Fleming v Her Majesty the Queen in Right of the Province of Ontario, et al
Relevance – Charter of Rights & Freedoms | Torts Ontario | Civil | By Leave

In 2009, during the Grand River land dispute, the appellant was on his way to join a counter-protest. He was walking along Argyle Street (adjacent to the Douglas Creek Estates occupied by Indigenous protesters) when three Ontario Provincial Police cars approached him. At this point, the appellant moved off the highway and onto the disputed lands occupied by Indigenous protesters. Some of the protesters approached the appellant. The police quickly intervened and arrested the appellant. The police escorted the appellant back to Argyle Street where they ordered him to drop the pole bearing Canadian flags that he was carrying. He refused to drop the pole at which point a struggle ensued. The appellant was overpowered and arrested. The appellant later sued the Ontario Provincial Police, and at trial the judge awarded him damages for injuries sustained during the arrest, for **false arrest, false imprisonment**, and for breach of the appellants s. 2(b) Charter rights. The Court of appeal set aside this decision and found that there was no false arrest due to the police having reasonable grounds to believe there was an imminent risk to the public peace. The court of appeal ordered a new trial to determine if excessive force was used during the arrest.

Bela Kosoian v Société de transport de Montréal, et al
Relevance – Torts Quebec | Civil | By Leave

The appellant was arrested and fined for failing to hold a handrail on a subway escalator. She was traveling on the escalator when an officer told her she must hold onto the handrail. The officer referenced a pictogram that seemed to suggest that it was required, as a rule, to hold the handrail. The appellant interpreted this as a request rather than a requirement and refused to hold the handrail citing a concern for the presence of germs on the rail. The officer arrested the appellant and fined her \$100 for failing to hold the handrail and \$350 for not providing identification. The appellant sued the respondents for **wrongful detention and negligence**. At trial the court relied on Hill v Hamilton-Wentworth Regional Police Services Board and held that the standard of care was not breached. The court of appeal agreed with one justice dissenting. The minority distinguished Hill on the facts and held that the pictogram simply did not constitute a requirement to hold the handrail, rather, it was only a warning for people to hold the handrail. ☒



The Hidden Cost of a Criminal Record

The Elizabeth Fry Society helps clients overcome barriers to workforce re-entry

Cydney Kane 2L

The views expressed in this article are solely those of the author, and not of the Elizabeth Fry Society of Mainland Nova Scotia.

Imagine you have been working at a job you enjoy for a short period of time. Suddenly, you are being fired because the employer has discovered that you have a criminal record. You are unable to find another job that you are qualified for and that does not require a clean criminal record.

The record causing you so much trouble? It has only one criminal charge: stealing a bottle of pop, twenty years ago.

This is the reality for a client participating in the Record Suspension and Vital Statistics Clinic, hosted by the Elizabeth Fry Society of Mainland Nova Scotia. The Clinic supports women through the complex process of applying for a record suspension from the Parole Board of Canada. Once granted, a record suspension (formerly known as a “pardon”) separates a criminal record from the regional police level and returns a clear criminal record check. The requirements include completing a waiting period of either 5 or 10 years depending on the nature of the offence, evidence of rehabilitation, and completing an application with accompanying fee.

A purported goal of the criminal justice system is rehabilitation. Sentences are imposed upon criminal offenders with the idea that they constitute the entirety of punishment for wrongdoing, allowing the offender to rehabilitate and reintegrate into society after the sentence has been completed. However, the attachment of a criminal record to your identity is permanent, unless a criminal record suspension can be obtained.

The consequences of a criminal record are profound and far-reaching. The Canadian Bar Association’s recent report “Collateral Consequences of Criminal Convictions: Considerations for Lawyers” illustrates that its effects touch all areas of life, from employment to personal relationships, and can prevent successful rehabilitation back into society.

Conversely, the opportunities and increased quality

of life that a record suspension can provide women are equally as powerful. A record suspension enables women to re-enter the workforce, pursue higher education, provide for their families, and re-integrate fully into society – pursuits which may otherwise be unattainable.

However, the cost of applying for a record suspension is \$631.00. This application fee does not include associated costs such as fingerprinting, obtaining record checks and court information sheets, or postage. In total, we ask our clients to budget \$900 to \$1000 to complete the process. As you can imagine, the cost of this process acts as a barrier for many of our clients who are without regular income. There are no sources of external funding or grants to support prospective applicants.

A vicious cycle is created; an individual is unable to obtain employment because of their criminal record, but unable to afford a criminal record suspension due to lack of income.

I began volunteering at the Elizabeth Fry Society’s new Criminal Record Suspension Clinic this past fall. I was immediately touched by the stories of our clients, coming to us in the hopes of gaining new opportunities through a record suspension. “C” works for a non-profit organization but is ineligible to apply for a promotion because of her record. “S” has been unable to find gainful employment due to a criminal charge from over 25 years ago, when she was a young woman under the influence of an older man. “D” was recently laid off when her place of employment closed and has been unable to find employment that pays much more than minimum wage (currently \$11/hr in Nova Scotia) that does not require a criminal record check. Her only criminal charge is from 30 years ago. None of these women have the regular income or savings to afford the exorbitant application fee and associated costs.

It was while listening to D tell us her story that I realized that we could be doing more to help our clients. While we were able to provide procedural and emotional support through the complex application process,

what our clients truly need is financial support to be able to access a record suspension. For that reason, I have been leading our dedicated team of volunteers in a fundraising project, to raise money to sponsor record suspension applications on behalf of the Elizabeth Fry Society of Mainland Nova Scotia. This has included writing letters soliciting donations, outreach on social media, and presenting at local law firms.

This is the cause that the Weldon community so generously supported in the recent Prof Auction at Pith & Substance. Thanks to the donations of time and activities by professors, the bids by students, and the organization by Dalhousie Law Community Outreach, \$3459.00 was raised for the Record Suspension Clinic. This money allows us to cover the application fee for 6 of our deserving clients.

If you would like to do more to help individuals like our clients, support legislative reform that would decrease or eliminate the application fee for criminal

record suspensions in Canada. You can donate to our project online, by searching for the Elizabeth Fry Society of Mainland Nova Scotia on CanadaHelps.org and including "record suspension" in the Message field when you donate. If you are a member of a law firm or other organization, our team would be happy to come and present on the effects of a criminal record on someone's life, the benefits of a record suspension, and our project.

A criminal record continues to oppress its holder, long past the completion of a sentence. To those unable to obtain a record suspension because of the cost, there is no being rid of even a single charge for theft of a bottle of pop. With support from the community, we hope to change this for our clients.

If you or someone you know is looking for support to apply for a criminal record suspension or to change your vital statistics designation, contact the Record Suspension and Vital Statistics Clinic at efryclinic@gmail.com or (902) 454-5041. ☎



The 2019 National Labour Moot

Reflections on Dal Law's 5th Labour Moot Win

Megan Thompson 2L

I think I can speak for myself and my partner, Calvin DeWolfe, in saying that the National Labour Arbitration Competition was the most valuable and rewarding experience of law school thus far. Hosted by Mathews Dinsdale in Toronto, the competition includes teams from eight law schools across Canada, and is a simulation of a grievance arbitration hearing before a tri-partite panel. Each team moots twice, presenting once as management counsel and once as union counsel, requiring students to develop a full 360-degree view of the issues.

This year's fact scenario focused on a workplace sexual harassment grievance, and was released in mid-November. From that time on, we met weekly with our coaches Professor Bruce Archibald and Arbitrator Eric Slone throughout the first semester. Just one month out from the competition, we also met during the Christmas break to finalize our research and begin developing arguments. Although Cal and I shared championship aspirations, I think my goal for the competition at that point was likely to string together some coherent arguments and hopefully not make a fool of myself.

The practices increased in intensity and frequency during the month of January, and our arguments were finally coming together as the competition drew near. Thanks to sessions with lawyers at McInnes Cooper and Pink Larkin during the week leading up to the moot, Cal and I were hitting our stride and gaining more confidence with each rehearsal.

Mathews Dinsdale hosted a cocktail reception to open the weekend events on Friday evening, which allowed us to meet fellow student competitors and the lawyers from the firm. After the reception, Cal and I returned to the hotel to put the finishing touches on our arguments and have one final practice run-through. Our finishing touches may have even resulted in some larger changes at the eleventh hour, which involved switching one of our cases and printing seven copies of a Supreme Court of Canada judgment in the hotel lobby... (many thanks to the hotel receptionist for her help).

Our preparation proved to be worthwhile, as Cal and I felt confident through the preliminary round on Saturday. We first argued as management counsel at 10:00 am, facing the University of British Columbia. We

had been told that this panel was known to frequently intervene, and we were certainly inundated with questions throughout our presentation. Managing to answer their questions while staying on track and within the allotted time was a balancing act, but we felt that we had succeeded in our delivery.

With just an hour break in between rounds, we presented our union arguments in our second moot against Queen's University. If the first panel could be considered extremely interventionist, the second panel was at the opposite end of the spectrum and interjected only to ask clarification questions. We once again received positive feedback from the panel, but had no idea how we compared to other schools we had not seen.

That evening, all teams, coaches, and lawyers gathered for a dinner, with the announcement of finalists saved for the end. A few hours removed from the competition and its pressure, I was quite proud of our performance and knew I would be content regardless of the outcome. Nevertheless, we continued to receive positive feedback from Mathews Dinsdale lawyers, who told us there had been a buzz about the Dalhousie team in the event organizers' room after our first moot.

Swiftly following dessert, it was announced that the finals would be a rematch and a battle of the coasts – Dalhousie vs UBC. UBC won the coin toss and elected to represent management, leaving us to argue as union counsel. The following minutes were a blur of congratulatory handshakes from students from opposing schools, lawyers, and panelists. Although Cal and I had occasionally mentioned how great it would feel to make the finals, I don't think we could have anticipated the genuine enthusiasm from everyone involved.

While the other teams and lawyers remained at the restaurant to celebrate the competition, the finalists

headed back to the hotel for preparation and an attempt at a good sleep. Confident in our arguments from earlier that day, we didn't feel the need to make drastic changes this time.

I jolted awake at 5:00 the next morning, the excitement of making the finals now slightly wearing off and the nervous realization that I was about to present to Justice Malcolm Rowe of the Supreme Court of Canada, the Chair of the Ontario Labour Relations Board, and the Chair of the Canada Industrial Relations Board setting in.

This panel's style was more akin to the first interventionist panel we had faced, consistently pressing and questioning our arguments and those of UBC. Surprisingly, Justice Rowe almost immediately accepted Cal's chief argument, despite the fact that we had allotted nearly 15 minutes to its discussion. This forced Cal to spend much of his time ad-libbing and conversing with the panel about issues they felt were more troublesome, which he did with ease.

At the conclusion of the arguments, the panel left the room to deliberate for what felt like an hour, but must have been only 20 minutes. When they returned, Justice Rowe spent time providing positive feedback and encouragement to each team. He then declared Dalhousie as the winner, stating that we were the team that had made the best of their position. The feelings of relief, disbelief, and excitement simultaneously washed over me, as Cal and I shared an enthusiastic handshake.

Returning to Halifax made our victory that much more thrilling, as we felt the entire Weldon community sharing in our excitement. The many e-mails from professors and congratulations from fellow students in class or the hallways exemplified the collegiality that sets Dal Law apart. Knowing that we are bringing this trophy back to Dalhousie and the Schulich School of Law for a record fifth time is a memorable bonus! ♪





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