



the path of the
new lawyer on page 6

accomplished alumnus returns

minister of justice rob nicholson '77 visits windsor law



The last weekend in September saw Windsor Law welcome **Canada's Minister of Justice and Attorney General Rob Nicholson** to campus to take part in the '77 reunion weekend, where his class celebrated its 30th anniversary. Asked how he fit the weekend into his busy schedule, Nicholson said that he makes the time. "I have so many great memories," he recalled. "I owe so much to this Faculty and to this city. I made it to the 10th, 20th, and 25th reunions—I'm not missing this!" In fact, in the 1990's, Nicholson volunteered on the committee to help organize his 20th reunion.

During his time at Windsor Law, the Minister resided at Electa Hall. "One of my friends had a car," he reminisced. "We would go to Detroit frequently. It was so convenient living right on campus. And the weather in Windsor is great!"

During his time on campus for the reunion, the Attorney General spoke to a group of students about the legal profession. Only

students attended the talk, which made for an intimate atmosphere. During his presentation, the Minister spoke of his time at Windsor Law and of the opportunities his Windsor degree have provided to him throughout his career.

Bilal Khan, a third-year student who helped to convene the Minister's trip to Windsor, attended the talk. "The informal nature of our meeting with the Minister was great. It was relaxed and candid. What an opportunity to chat with the Minister of Justice in such an informal setting!" After his talk, a number of students asked questions of the Minister, ranging from his time here as a student, to Conservative policies, to the opportunities a legal career brings. "The Minister spoke a lot about the career opportunities in the Department of Justice," said Khan.

The talk clearly had a profound impact on the students. "Minister Nicholson inspired me," said Khan. "I came out of the lecture with a sense that

I can accomplish anything I wish to in my career. In the legal profession, the horizons are broad. The Minister has convinced us that we can all achieve great things in our careers." Asked if the talk served as a career orientation for first year students, Khan agreed that it had; but added that it was just as beneficial for upper-year students who may be struggling with their career choices.

The Minister also took part in a question and answer session with a panel of his classmates, which took place in the Moot Court, and was open to all students.

As for the social aspect of the reunion, the Minister clearly fit in with old friends just as he had thirty years prior. He could be seen laughing and reminiscing with a number of former classmates. "It's wonderful to see my colleagues again after thirty years. It was great then, and it's great now."

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professors conklin and moon honoured at celebration of excellence



LtoR: Dean Bruce Elman joins Professor Richard Moon and Dr. William Conklin for their honours at the recent Celebration of Excellence in Research.

Dr. William Conklin and **Professor Richard Moon** were honoured recently at the University Celebration of Excellence in Research, Scholarship and Creative Activity.

Dr. Conklin was the recipient of the University of Windsor Award for Excellence in Research, Scholarship and Creative Activity in the Senior category. Dr. Conklin has had a distinguished career at the Faculty of Law. He has been an extraordinarily productive researcher, having published in excess of forty articles in the fields of Phenomenology, Semiotics, Legal Theory, Constitutional Law, Human Rights, and Literary Criticism. Dr. Conklin is the author of a number of books including: *In Defense of Fundamental Rights* (1979), *Images of a Constitution* (1989), *The Phenomenology of Modern Legal Discourse: The Juridical Production and Disclosure of Suffering* (1998), *The Invisible Origins of Legal Positivism* (2001), and *Hegel's Law: The Legitimacy of a Modern Legal Order* (2008), which will soon be published by Stanford University Press. In 1989, he won the Harold Adams Innis Book Award for "the best book subsidized by the Social Science Federation and published in English". Dr. Conklin was the founding Editor-in-Chief of the *Windsor Yearbook of Access to Justice* and served as Editor for the first and second volumes of that series. In 2005, he returned as Editor-in-Chief and led the successful transition of the *Yearbook* from an annual to a bi-annual publication. Dr. Conklin continues to be

an active and productive scholar. His current work focuses upon the lack of legal recognition given to stateless individuals. Dean Elman, in his letter of nomination, noted: "For over twenty-five years, Dr. Conklin has been an extremely productive scholar. He has acquired a national and international reputation for his work in Semiotics, Legal Theory, Constitutional Law, and Human Rights. He is not only an appropriate recipient of the University of Windsor Award for Excellence in Research, Scholarship and Creative Activity, he is extremely deserving of it. I highly recommend him to you for this award".

Professor Richard Moon was the recipient of a Faculty Special Recognition Award for his contributions to research, scholarship and creative activity. Professor Moon researches in three areas: Freedom of Expression, Freedom of Conscience and Religion, and the Structural Aspects of Constitutional Rights Protection. Professor Moon is the author of the seminal work, *The Protection of Freedom of Expression*. Last year, he was awarded a grant from the Social Science and Humanities Research Council to fund his current research project "The Secularization of Religious Freedom". Soon to be published is an edited collection of essays entitled *Law, Religion and Citizenship: Essays on the Relationship between Law and Religion in Canada* (UBC Press). Dean Elman noted in his presentation of the Faculty Recognition Award to Professor Moon that "Professor Moon is an

outstanding scholar and researcher but in addition to or perhaps because of it, Professor Moon is an extraordinary teacher and mentor."

Congratulations Bill and Dick!

Past Recipients of The University Award for Excellence in Research, Scholarship and Creative Activity:

Dr. Len Rotman
(Junior Category) (2001)
Professor David Tanovich
(Junior Category) (2005)

Past Recipients of The Faculty Special Recognition Awards:

Professor Bill Bogart (2002) (2005)
Professor David Wiseman (2004)
Professor Reem Bahdi (2005)
Dr. Julie Macfarlane (2005)
Dr. Len Rotman (2005)
Professor Sukanya Pillay (2005)
Dr. William Conklin (2006)
Professor Brian Etherington (2006)

in memoriam – rose voyvodic

On Saturday, September 29, 2007, almost three hundred friends, colleagues, and students of **Rose Voyvodic** gathered in the Moot Court to celebrate the life of someone who was, indeed, larger than life to the many whom she touched. The event was co-chaired by Windsor Law faculty members **Myra Tawfik** and **Richard Moon**.

At the celebration, Rose's husband, Rod Catford, and their two children, Bob and Jane, were joined by **Dean of Law Bruce Elman** as well as by the many others who spoke about the woman whom they knew and loved.

Peter Hrastovec '82 spoke of how he and his former classmate had remained in

each other's lives over the years, sitting on various committees together, and running into each other in their neighbourhood. "Rose always made the time to stop and speak to friends," he recalled. Peter has often remarked at how Rose was a "gifted educator", able to convey concepts to students that few could do with such ease.

Rose's career in pictures was displayed for attendees in the form of an elaborate slide show, which depicted "Rose in action" throughout the many years of her distinguished career. Rose Voyvodic is, and will continue to be, greatly missed at Windsor Law.



"She was ahead of many of her time, and many turned to her for help when the system had failed them."

Dr. Emily Carasco

"There was a current that ran through everything Rose did—a fundamental respect for others—and a deep commitment to social justice. She represented the best of this Law School and its commitment to access to justice."

Professor Dick Moon

"Rose was a person of great personal strength, unmovable integrity, and adherence to strong core values. She was a person who practised what she taught."

Provost Neil Gold



Colleague Dr. Emily Carasco



Director of Mediation Services and former student Gemma Smyth '02



Classmate Peter Hrastovec '82



Provost and former Dean Neil Gold

Memories of Rose

Professors Moira McCarney (moira@uwindsor.ca) and Myra Tawfik (mjt@uwindsor.ca) are collecting memories of Rose to compile into a book for Rose's family and for the Law Faculty. If you have any remembrances of Rose that you would like to share with us, please send us your memory by April 30th.

new faculty and staff in profile...

laverne jacobs

A member of the faculty as of November 1, 2007, **Professor Laverne Jacobs**, BA Hons (McGill), LLB (McGill), BCL (McGill), PhD Cand. (Osgoode), joins Windsor Law from Cornell University, where she was a Visiting Scholar.

Professor Jacobs is an expert in the areas of Public Law and Administrative Law. Asked what fascinates her about administrative law, Jacobs doesn't have to ponder for very long. "Most of us will encounter administration many times throughout our lives. Whereas many of us many never be involved in a lawsuit or go to court, we will all need at some point or another to get our driver's licenses, or we may find ourselves at a human rights tribunal, for example." Jacobs finds the amount of empirical research in her area of expertise to be lacking in the legal literature, and hopes to change that.

Taking an interdisciplinary and empirical approach, Jacobs' work is currently focusing on tribunals and other administrative bodies.

"I am examining the jurisprudence on this topic, and comparing it with the reality on the ground," she explains.

Jacobs' PhD dissertation is honing in on the independence, or lack thereof, of experts and expert administrative bodies from the executive and legislative branches of government which they advise. "For example," she notes, "if a commissioner of some kind helps to create the very legislation that governs the cases he or she oversees, will that affect his or her judgment when adjudicating on a particular case?"

The winter term will see Professor Jacobs teaching Civil Liberties and Access to Justice. "I'm so excited about these classes," she says. "We will be focusing on the relationship between the individual and the state, which is what my research hopes to evaluate."

Jacobs is an annual contributor to the *Supreme Court Law Review*.



emir mohammed

Emir Aly Crowne Mohammed, BA (Western), LLB (London), LLM (Strathclyde), LLM (Osgoode), PhD Cand. (Osgoode), joined the Faculty of Law in July of 2007. He comes to us from Osgoode Hall, where he is pursuing his PhD in intellectual property.

As an expert in copyright and patent law, Professor Mohammed's doctoral dissertation will attempt to determine what constitutes an invention in today's world, according to current patent law. His thesis holds that very few things should actually be excluded from patents, according to international law as it currently stands. At the same time, however, Mohammed notes that, contrary to what has become accepted wisdom, patents are not, in fact, required in order for innovation to thrive in a society, two excellent examples of this fact being the software and biotech industries. "It was—and is—often thought that if someone could not get a patent for a given item, then they would be unlikely to pursue research on it. But there are simply too many other incentives to carry out that research, such as tax benefits, grants, promotion of the product, and name exposure," says Mohammed. Despite international law's broad description on what is patentable, Mohammed says that, in Canada, the meaning of that law is extruded very narrowly.

So what makes Professor Mohammed so interested in patents? "I love patent drafting," he says. "I find it to be a great intellectual exercise." Mohammed notes that while it is generally supposed to be the experts themselves who draft the patent, in reality, it is often lawyers who do it, as they can best maneuver around the exceptions of the law, by describing the product in a certain way. "For example, it is actually not permissible to patent software per se, but if you patent it as a computer implemented process, then that is permissible."

In addition to pursuing his research, Professor Mohammed is a passionate teacher who is committed to teaching his students both inside the classroom and through extra-curricular activities. As the faculty chair and founder of the Windsor Law Student Conference—which invites students to share their papers in a roundtable discussion, the first of which took place this February—Mohammed hopes to provide exposure to students' work and quell any fears of publishing that students might have. "There is hidden scholarship in our students that needs to be brought out," he says.

Professor Mohammed teaches Internet Law and Legal Research & Writing.



christopher waters

A member of our Faculty since July of 2007, **Dr. Christopher Waters**, BA (Toronto), LLB (Queen's), LLM (McGill), DCL (McGill), comes to us from the University of Reading in the United Kingdom, where he was Senior Lecturer at the School of Law. In 2006-2007, he was also a Visiting Research Fellow in Oxford University's Changing Character of War Program.

As an expert on Eastern Europe and the former Soviet Union and on the needs of countries in transition, Dr. Waters has consulted for the Pearson Peacekeeping Centre, the British and Canadian Armed Forces and the Organization for Security and Cooperation in Europe (OSCE). Having spent time in Georgia during the Rose Revolution and in Kosovo shortly after the NATO bombing campaign ended, Dr. Waters is intimately familiar with the needs of people on the ground in situations of conflict, and acknowledges that international bodies often fall short when attempting to stabilize a region. "International efforts are often an important aspect of peacemaking," he says. "What is ultimately needed, though, is for domestic actors to engage each other."

Spending time in the Caucasus region in 1998, Dr. Waters helped to reform higher education and legal education in Georgia, Armenia, and

Azerbaijan. While he was there, he observed a kind of legal pluralism coming to life in Georgian society. "With no properly functioning police, courts, or legal profession, informal rules often take over to order societies."

Through his experiences both theoretical and practical, Dr. Waters has come to a number of conclusions when it comes to the rebuilding of societies. "Transplanting rules from one society to another does not work," he says. "In order for laws to be implemented, there needs to exist a legal culture, as well as institutions and other preconditions." When asked what these preconditions are, Waters has an answer at the ready, which includes five criteria. "First, there needs to be a legitimate mandate to make the transition. Second, the commitment of resources must be there to see the project through to its entirety. Third, incremental progress is the key, as these things do not happen overnight. Fourth, local partnerships are necessary, and they need to share the vision for change. And fifth, the military and 'power agencies' must be fully compliant with what the new or transitional government is trying to do."

Dr. Waters teaches Public International Law, Transnational Corporations & Human Rights and Contract Law.



bob thompson



In September 2007, **Bob Thompson** joined the Faculty of Law as Interim Director of Mediation Services and as a sessional lecturer, teaching "Mediation Clinic" and "Advanced Practicum in Conflict Resolution and Mediation". He is an industrial engineer, and also holds an

LLB/MBA, an MBA (Environment) and an LLM in Alternative Dispute Resolutions.

"I've been warmly welcomed by staff and students, and I'm very much enjoying Windsor," says Thompson. "My role is to continue the great work that Gemma has been doing. The mediation clinic is unique, and in the short time that I have been here, I have seen the good work that it does with the strong talents of our faculty's students. My goal is to continue to make mediation accessible to more and more students."

Asked what mediation means to him, Thompson says that mediation is "about creating a safe environment in which people can resolve their conflicts. It is helping to guide people's energy toward a solution".

Prior to coming to Windsor Law, Thompson held several roles in human resources departments of major Canadian corporations in manufacturing, retail, logistics, and financial services. He has also acted as Employment and Labour Counsel for these corporations. Thompson is also a member of the teaching team for "Lawyer as Negotiator" at Osgoode Hall Law School and is a sessional lecturer at the Centre for Industrial Relations and Human Resources at the University of Toronto, teaching "Law in the Workplace" to Master's students.

catherine cotter



Catherine Cotter joined the Paul Martin Law Library as a second Reference Librarian in July of 2007.

Ms. Cotter has a law degree from the University of New Brunswick and a Master of Library & Information

Science degree from the University of Western Ontario. She is a member of the Bar of Manitoba, having practised in that province between 2002 and 2005. Most recently, she was a F.I.P.P.A. Privacy Assistant at the University of Western Ontario. As for her time at the law school so far, Ms. Cotter says she's "been impressed with the diversity of classes and programs offered at Windsor Law. This allows students to stretch their imaginations and put their learning into practice," adding that "faculty, staff, and students should be proud of what Windsor Law has to offer."

Q&A

faculty focus: julie macfarlane

tracing the path of the
new lawyer



education:

BA (Hons), Durham, UK
LLM, London School of Economics
PhD (CNNA)

teaching (2007-2008):

Alternative Dispute Resolution
The Lawyer as Conflict Resolver

appointments:

Board Chair – University of Windsor
Mediation Services
Professor 1999
Associate Professor 1996

The new lawyer is here—so, who is she?

Michellyne Mancini talks with Dr. Julie Macfarlane about the release of her latest book, which is sure to appeal to scholars, lawyers, and, indeed, anyone interested in developments in the legal profession.

Why is your book called *The New Lawyer*?

Well, the reality of the law profession today is that 98% of cases will not go to trial. And as a result, lawyers are being called upon to be negotiators and resolvers of cases far more often than they are litigators. This is quite a change in the profession in comparison to twenty-five or thirty years ago, and so that's why I've called the book *The New Lawyer*.

Why are there not as many cases going to trial?

In part because it is too costly both in time and money. We have seen a rather dramatic rise in fees in the legal profession. Even corporate clients do not want to spend exorbitant amounts of money on legal fees. And for most individuals, it is simply out of the question. Often today, a corporate lawyer may be told, 'You have x amount of money to work with; find us a solution'. As a result, lawyers are being called upon to find practical solutions for their clients, without necessarily using lengthy legal procedures and going all the way to trial.

Offering a client legal services today means more than fighting for their legal rights although that is very important. It is also, and often primarily, about finding a practical solution to the conflict. Let's say you feel you've been wrongfully dismissed, for example. Do you want your dispute to drag out for years, costing you thousands of dollars, and increasing your feeling of resentment and anger with the people whom you are suing?

Or, would you rather have an acceptable amount of compensation in settlement—but along with a reasonable letter of reference and the opportunity to move on with your life? Those are things that a court cannot give you.

So what is involved, then, in negotiation?

This book argues that there is much more involved in negotiation than simply preparing for trial. Negotiation isn't just about sending the other side a written demand or a proposal. Being overly positional can make things worse since you can paint yourself into a corner. Negotiating is about genuinely assessing where the parties are willing to problem solve and working from there.

Negotiating can often mean mediation, and in Ontario mediation is mandatory in all civil cases.

Is there, then, a different attitude that need be adopted by the New Lawyer?

Yes, I think so. The bottom line is that the New Lawyer needs to be tuned in to what his or her clients want and need. They need to remember who is paying the bill and to provide good customer service to their client.

This rarely means behaving in the way that we see lawyers, for example as they are depicted on TV—where the lawyer is always standing up and insisting on her client's rights. This media image is also different from the way many lawyers actually practise, although many students come to law school expecting to be in court all the time and focused on asserting rights—rather than the reality of negotiating, problem-solving and (what I call in the book) "conflict resolution advocacy".

Lawyers today need to exercise judgement in every case. They need to sit down with their client and establish the priorities of that client. And this can include what are referred to as "non-

hounours:

2005 Award of Excellence
International Academy of Mediators
(For Contributions to the Field of Mediation in Research and Practice)

Virtual Scholar in Residence, 2001-02
Law Commission of Canada

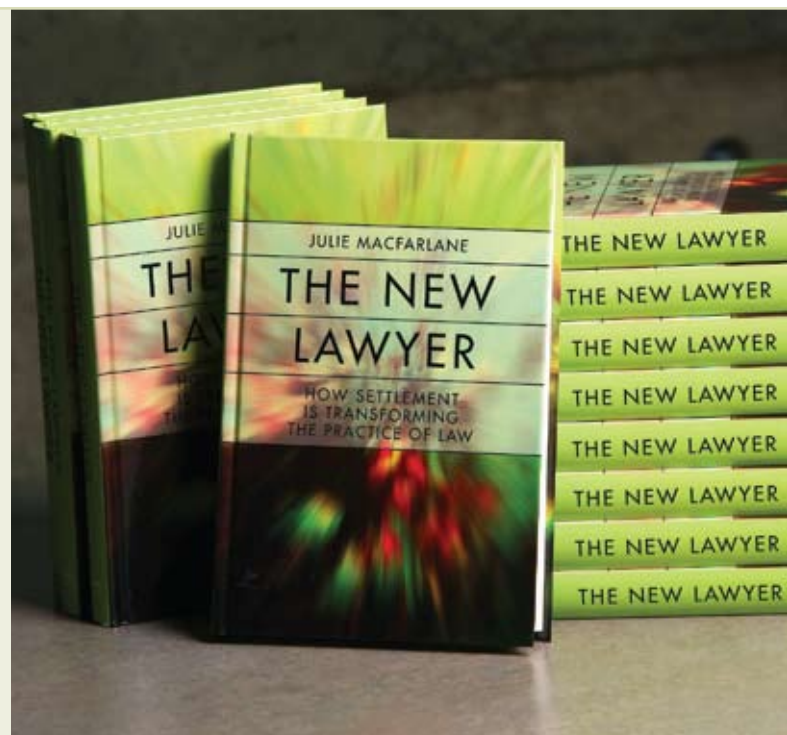
publications:

The New Lawyer: How Settlement is Transforming the Practice of Law (UBC Press 2008).

Ed., *Dispute Resolution: Readings and Case Studies* (2nd Edition), Emond Montgomery Publishing (2003).

Ed., *Rethinking Disputes: The Mediation Alternative*, Cavendish Publishing (U.K.) and Emond Montgomery Publishing (1997).

Numerous periodical articles on ADR and legal education.



legal” aspects of a given situation as well, for both business and personal clients.

Could one say, then, that lawyers are having to take a more holistic approach to their work?

Yes, it is a holistic approach. Lawyers often tend to look at merely the legal facts, but there are many things to be considered in these situations, such as the preservation of family and business relationships. Now that’s not to say that lawyers are to become social workers, but they do need to be aware of the entirety of the situation and act with their client’s best interests in mind.

Do you think that young lawyers are disenchanted with the profession, or concerned about change?

I think that there is a lot of disenchantment. Students often make it through law school with an unrealistic and incomplete picture of what they’re going to be doing. People get into their careers and don’t find themselves doing what they had imagined or what they were trained for (for example, appellate advocacy in court which is a rare occurrence in practice). Instead they are spending time doing tasks they have not always been well-prepared for such as managing a difficult client or a difficult opponent or negotiating a settlement.

Negotiation is really not a significant part of legal education; we are not training lawyers to be skilful and intentional negotiators with clear goals and strategies. Instead we assume that new lawyers will somehow figure out how to blend making rights arguments with problem-solving and accommodation—but it’s not so simple to do that well. We need much more in the way of training for alternative dispute resolution.

In general, what do lawyers think of these trends?

My data show that lawyers are accepting that they must spend more time settling cases than being in court and that this is a good thing for two reasons: one, their clients like it, and two, over time lawyers become really good at this.

But of course it is an adjustment. For some lawyers being a negotiator does not have the same glory as being a litigator. So we need to change the image we have of ourselves as lawyers to some degree. There have been a number of books on this theme in the last ten years—one of which is aptly titled *The Lost Lawyer*, which argues that many lawyers are suffering from a crisis of identity.

As well, some people might justifiably argue that this is all a throw back to the old lawyer, to the way small town lawyers used to practise, trying to settle disputes and provide an efficient solution for their clients.

It seems that these types of changes are being seen, perhaps, in other professions as well.

Yes, they are. Similar things are going on in the medical profession, for example. We live in an age where clients and patients are more

sophisticated than ever before. People can go on the Internet and look up their rights or research an ailment, and they may come in to their doctor or lawyer’s office very prepared and looking for that professional to suit their needs. This generation does not accept professional authority in the way that our parents or their parents did—without question.

What types of research did you undertake for this project?

This book is the culmination of ten years of

empirical research, using qualitative, interview-based research methods.

Whom do you think will read this book?

I think that members of the profession as well as anyone who is interested in what lawyers do may want to read the book. For lawyers who are already changing and incorporating conflict resolution in to their practices, this book provides them with a model for how they’re practising law and how to think about their own professional development into the future.

windsor law across the pond



LtoR: Adjunct Professor Jasminka Kalajdzic, Chief Justice of Ontario Warren Winkler and Ian Matthews '07 attend the Class Action conference at Oxford University

In December 2007, more than 150 leading legal scholars, practitioners and judges from over 30 countries attended a major international conference entitled *The Globalization of Class Actions* at Oxford University. This conference, co-sponsored by Stanford Law School and Oxford’s Centre for Socio-Legal Studies, canvassed key class actions issues from a comparative perspective.

Windsor Law had a strong presence at Oxford and contributed to the materials that will be published in the *Annals of the American Academy of Political and Social Science*. **Professor Bill Bogart, Adjunct Professor Jasminka Kalajdzic** (of Sutts, Strosberg LLP), and **Ian Matthews '07** co-authored the Canadian national report entitled “Class Actions in Canada: A National Procedure in a Multi-Jurisdictional Society?” This report provided the conference organizers and participants with a thorough overview of the Canadian class actions regime.

Conference participants heard from a number of distinguished speakers and

panellists, who discussed topics that included Representation & Conflicts of Interest; Funding of Class Actions; Settlement, Remedies & Enforcement; and Public Policy Objectives & Outcomes. Notable among the speakers were the Chief Justice of Ontario, Warren Winkler, Judge Lee Rosenthal of the U.S. District Court and the Hon. Katherine McGuinness, President of Dublin’s Law Reform Commission.

The conference was a tremendous success. The rich history and culture of Oxford provided an ideal setting for this important discourse on class actions. Many conference participants from several European nations stated that Canada—specifically the Ontario regime—are looked to as the model for nascent class action systems.

Windsor Law was front and centre in Oxford—and Bogart, Kalajdzic and Matthews look forward to following up on their work and contributing to the next international class actions conference, likely to be held in sunny California!

faculty opinion: jeff berryman

a commitment to continuous inquiry



Jeff Berryman, LLB(Hons), MJur Auckland, LLM(Hons) Dalhousie, Senior Research Leadership Chair, conducts research in the areas of remedies. His most recent research work has been on the accommodation of ethnic factors in compensation for personal injury, the cy-pres doctrine in class action suits, and the intersection of corrective and distributive justice in understandings of the compensation principle in the law of remedies.

Civil society is constantly reinventing itself; and a necessary precondition upon which this rejuvenation can take place is a commitment to continuous inquiry. All civil societies invest a great deal in universities to act as public agents to undertake inquiry through the process of research which, thus, becomes a defining feature of a university's mission.

There are many types of research: research that discovers new facts or data and which may necessitate empirical studies; research that synthesises existing information making it accessible to different audiences or for different purposes; and research that extracts new meaning or develops new theory. In addition to the generation of research, there is the task of imparting research methodology to students; to inculcate the value of research and its use to a new generation of researchers and citizens.

The task of researching is not easy. It begins with the formulation of an idea or a question. It develops into an hypothesis or path of inquiry. The hard work of doing research can be multifaceted; collaborating with others, participating in a team of experts, working with archival material, on-line research, understanding the demands of multi and inter-disciplinarity, directing research assistants, formulating empirical questionnaires.

Research needs to be communicated to be influential and effective. The traditional paths of academic legal scholarship have been the peer reviewed article or monograph. Increasingly, legal academics are turning to other modes of

communication and their research can form the basis of newspaper articles, on-line blogs and dedicated web-pages, public lectures, and radio and television programmes.

The research life of a legal academic can be lonely, exhilarating, exasperating, joyful, and, often, these emotions can be experienced all at the same time. Ultimately, a sense of personal accomplishment is its own real reward to the researcher. The judgment of one's peers, the utilization of one's ideas in a legal argument, a judgment or someone else's research affirms the worth of one's efforts.

The value of research is self evident to most people. In our personal lives, we readily concede that our personal decision making is improved by undertaking our own personal research. We don't purchase a car without assessing our needs and considering our options. So with society; our decision making is improved with research. Research can temper the emotive and irrational (re)action. For example, the clamouring for increased punishment and incarceration must be reconciled with research that demonstrates a general decline in criminality in our society over the last twenty years. The need to reconcile with aboriginal peoples is realised through an understanding of the historical record of settlement and the injustice it reveals. Even the notion of what it is to be just, and who and how we receive justice is a contested issue; does a foetus have a claim to justice, is there a justiciable entitlement to economic and social rights, to what extent should

ethnic, cultural and religious values infuse judicial and administrative decisions?

Science has popularized chaos theory or the 'butterfly effect'; that an otherwise insignificant deviation from trajectory in one place of a system may, ultimately, lead to a sizable impact at another location within a system. The theory demonstrates interconnectivity but also questions our ability to predict consequences. Now more than ever in our history, we know of the interconnectivity of society, climate change and economic globalization being the two obvious candidates. We also know that an otherwise insignificant act in one part of the world can unpredictably reverberate around the globe, often with devastating effect; a protest in Syria can trace a causative link to a cartoon published in Denmark. Law, and claims to justice, lubricate social interactions thereby reducing friction and promoting reconciliation, healing and harmony. The conceptions of law and justice we turn to are the products of today's research.

As illustrated in this edition of *Windsor Law Now*, the faculty at Windsor have diverse research interests that cover the gamut of research methodologies, but they are united in commitment to producing the best research which is socially relevant, and which inculcates students into a culture of inquiry.

To learn more about cutting edge research at Windsor Law, go to our website at www.uwindsor.ca/law and look under "Faculty in the News".

dean for a day

When **Jillian Beaulieu**'s mother was told that she had a phone call from the Dean of the Windsor Law School, her first thought was for the safety of her daughter—a third-year student. So she was relieved to hear Beaulieu's voice, placing a call from her office as dean for the day.

"Yeah, my mom was a little mad that I scared her," Beaulieu said afterward.

She was named Law's Dean for a Day after her essay won the faculty's contest offering students a chance to see how the other half lives. She took over Bruce Elman's office and busy schedule of meetings, while he donned student garb and headed off to the Moot Court for Beaulieu's class in Business Associations.

Among Beaulieu's duties were a meeting of the Academic Planning Committee, greeting Lawrence Ritchie from the Ontario Securities Commission, and holding a town hall-style meeting to air concerns and provide suggestions.

"I hope to see more courses dealing with poverty law issues," said Beaulieu. "I worked at Legal Assistance of Windsor this past summer and fall, so I was more or less immersed in it for eight months straight."

She says the school's emphasis on access to justice makes poverty law a natural area of focus.

"Social benefits, disability, welfare, landlord and tenant," she said. "I would consider it a great success if anything I do today helps get people thinking along those lines."

It's a discussion Elman looked forward to. "When we introduced the Dean for a Day concept, it was with the intention to bring the students closer to the dean so that I could learn more about their concerns," he said.



"Dean" Jillian Beaulieu enjoys life at the top with "law student" Bruce Elman and Associate Dean Mary Gold.

accolades continue for law professor



Developed to recognize and encourage teaching excellence at Ontario's colleges and universities, the LIFT award is given out to faculty who influence, motivate, and inspire students, and who demonstrate leadership in teaching methods for the diverse student body in Ontario. The award is open to all disciplines and is run by the Ministry of Training, Colleges, and Universities.

"Students make a difference in my life and I try to make a difference in theirs."
Professor Donna Eansor

Windsor Law **Professor Donna Eansor '80** is a busy woman these days. When she isn't in the classroom or conducting her research, Professor Eansor can be seen mentoring students and furthering the pedagogical techniques she has spent many years developing. "It's hard work being a good teacher," she says, smiling.

And her hard work has paid off—in more ways than one. For starters, Professor Eansor is a 2007 recipient of the Leadership in Faculty Teaching Award (LIFT)—one of 100 such recipients across the province of Ontario, despite the thousands of applicants who were nominated for the honour.

Applying for the award is a rigorous process. Its adjudication process is entirely external, undertaken by a Ministry-appointed referee committee. In order to apply for the award, an applicant requires references from university administration, the Dean's office, his or her colleagues, and his or her students.

Professor Eansor's extensive teaching dossier surely played a significant role in her success: it contains information on the approach, philosophy, practice, and development of her teaching and is supplemented by her course syllabi, course evaluations, topic guides, teaching tool samples,

teaching evaluations, and the handwritten student comments that accompany those evaluations.

"I can't say that I wasn't surprised," says a modest Eansor. "There are so many excellent teachers in the province of Ontario. I feel highly honoured."

Another award that has recently graced Professor Eansor's career is the Alumni Award for Distinguished Contributions to University Teaching—one of the few teaching awards at the University of Windsor.

"It is both professionally and personally satisfying for me to be recognized in this way," says Eansor. She points out that teaching awards are special in that they tend to require references from everyone: a professor's Dean, colleagues, and students. "Teaching excellence is something that should be recognised," she says.

Asked what is her favourite thing about teaching, she answers simply, "the students". I have an opportunity to experience so many different viewpoints, cultural perspectives, and personalities. They make a difference in my life and I try to make a difference in theirs."

Donna Eansor, LLB (Windsor), LLM (Wayne State), of Osgoode Hall, Barrister-at-Law, teaches Tax, Wills, and Property Law. She is currently at work on an Advanced Taxation Casebook: Aboriginal Taxation.

wrlsi unveils a new look



In 1986, a group of Windsor Law students envisioned an entirely student-run publication that would reflect the themes of the Faculty of Law. A few years later, the *Windsor Review of Legal and Social Issues* was born. Since its inception, the WRLSI has remained true to its original objective of publishing papers of high quality that represent multiple perspectives and disciplines, while being able to change with the times.

members of the judiciary, including the Right Honourable Beverley McLachlin. To date, the WRLSI remains one of the few multi-disciplinary, student-run legal academic journals in Canada.

Since 2004, the WRLSI has hosted an annual event to celebrate the diligence, perseverance, and efforts of its editorial board. Each year, the Windsor Law community has the opportunity to attend this annual event, whose guest speakers

to date have been Madame Justice Kathryn Feldman, The Honourable Peter Cory, The Honourable Edward Ducharme, and Professor John Whiteside. In March 2008, the Windsor Law community can look forward to Professor Aaron Dhir speaking about the interplay between law and mental disability.

The 2006-2007 academic year was significant for the WRLSI. To increase its profile to an even higher level, the law

journal made the important transition from a single internal reviewed journal, to becoming a fully refereed journal. In June 2007, the WRLSI unveiled its newest look. The journal now has a sleek, blue and white cover, incorporating an original logo. The unique logo and new cover were created by the 2006-2007 editorial board, headed by **Karen Jacques '07**, who also spearheaded the project.

Even greater changes have taken place within

the WRLSI in the current 2007-2008 academic year. With the support of Dean Bruce Elman, Associate Dean Mary Gold, and faculty advisor, Professor William Bogart, the WRLSI proposed a complete restructuring of its editorial board. The core editorial board of the WRLSI, in upcoming years, will consist of an Editor-in-Chief, an Articles Editor, a Solicitation Editor, and a Business Manager, each of whom will play a central role in selecting and editing papers for publication. By accepting this proposal, the Law Faculty's Academic Planning Committee and Faculty Council have increased the recognition provided to those students responsible for the publication.

The WRLSI is also proud to have been instrumental in bringing the First Annual Windsor Law Student Conference to the law school. The conference, which was held on the 1st of February, 2008, provided students with a forum in which they could engage in a discussion regarding current, pressing legal issues about which they are passionately concerned. The First Annual Windsor Law Student Conference successfully provided students with just such a forum. The academic experience of law students can often be an isolating and competitive one, particularly given the intense focus on academic success measures such as grade point average, lucrative summer jobs, and articling positions. The conference allowed students to engage in a collaborative dialogue on content of research papers they had prepared for their courses with a view to possibly developing those papers into published works. Twenty-two students, including one from the University of Western Ontario, presented papers on a diverse range of legal issues to a surprisingly large audience, given the wintry conditions that existed on the 1st of February. Papers were presented on domestic and international human rights issues including issues arising from race, gender, and sexual orientation, administration of justice questions, tort law concerns, and the intersection of law and religion. Professors moderated the panels and often provided comments on the papers.

The First Annual Windsor Law Student Conference was a great success. Many thanks go to the Faculty of Law and the Law Alumni Fund for the Enhancement of Student Life and to the law firm of Osler Hoskins Harcourt LLP of Toronto for their support. Thanks also go to Professor Mohammed for all of his assistance to the Review in helping to organize the conference. Law students can excitedly await next year's conference, which will aim to be even more extensive and engaging.

For all of the latest developments
at Windsor Law, go to our website at
www.uwindsor.ca/law under
Breaking News in Law.



LtoR: Kathleen Chevalier, Rosaleen Piluso, and Kristin Ciupa, Managing Editors of the *Windsor Law Review of Legal and Social Issues* (WRLSI).

The WRLSI was proud to publish its first volume in 1989. For the twelve years that followed, the law journal would publish annually. Due to the increase in submissions received and the recognition of the journal within the greater academic community, in 2002, the WRLSI decided that it would publish two volumes each year, containing articles from academics, legal practitioners, law students, and even noted

palestine minister of justice visits



LtoR: Dr. Mudar Kassis of Birzeit University, The Honourable Dr. Ali Khashan, and Professor Reem Bahdi.

Dr. Ali Khashan, the Minister of Justice for Palestine, recently visited Windsor Law as part of the activities of the Project on Judicial Independence and Human Dignity. Minister Khashan, former Dean of the Al Qds' Law Faculty, was hosted by Dean Bruce Elman at a luncheon held at the Windsor Art Gallery. In attendance were **Mayor Eddie Francis '02** of the City of Windsor, **Ambassador David Viveash**, the Canadian Representative to the Palestinian Authority, **Dr. Rajana Bird**, Vice President Research for the University, and many other faculty, administrators, and prominent members of the local community. Dr. Khashan spoke about the importance of the separation of powers, independence of the judiciary, and the rule of law.

Supported by the Canadian International Development Agency (CIDA), the Project on

Judicial Independence and Human Dignity is a joint initiative of the Faculty of Law at the University of Windsor and the Institute of Law at Birzeit University. It is directed by **Professor Reem Bahdi** at the University of Windsor and Dr Mudar Kassis at Birzeit University. It benefits from the invaluable advice of several senior Canadian judges. The Project's core objective is to promote access to justice in the Palestinian territory. The purpose of the Project is to support increased judicial independence and to promote human dignity in the administration of justice. This is accomplished by supporting the development of an independent and highly trained judiciary through judicial education, promoting increased awareness of the principles of judicial independence and human dignity through stakeholder outreach and awareness campaigns,

and providing timely and accurate information and analysis through comprehensive research.

The last quarter of 2007 was a busy one for the Project on Judicial Independence and Human Dignity. They began working with the Palestinian Minister of Justice to help strengthen the ministry's policy-development capacity. Minister Khashan is a progressive constitutional law scholar who sat on the committee which drafted the Palestinian constitution. Our research partners in Ramallah have also been busy. They have drafted and will soon administer the first ever comprehensive survey of the Palestinian judiciary and, working with our own library staff and law students, have begun compiling an extensive collection of research related to judicial independence and human dignity across jurisdictions. In addition, leading international and Palestinian scholars have prepared papers on key issues facing the judiciary including: a study of judicial independence, the meaning of human dignity in the Palestinian context, and an examination of judicial professionalism and integrity. In December, retired Supreme Court Justice Claire L'Heureux-Dube, Chief Justice Catherine Fraser (Alberta) and Justice Douglas Campbell (Federal Court) travelled to Ramallah with Professor Reem Bahdi. They met with the Project team and participated in a series of roundtables as well as a workshop at Birzeit University entitled "The Role of Judge in Society."

Dean Elman noted: "We were very pleased to welcome Minister Khashan to our law school. This is an extraordinarily important project. Recent history has shown quite clearly that nascent democratic states can only be successful if they have the required legal infrastructure. The rule of law and an independent judiciary are the cornerstones of that infrastructure."

new bursaries and scholarships

The Rose Voyvodic Memorial Bursary was recently established in memory of **Professor Rose Voyvodic**, class of 1982, who dedicated her career to the pursuit of social justice and to the Faculty of Law's clinical programs. Interest from the trust will be awarded annually to a Law II or III student who exhibits a commitment to social justice and the cause of the disadvantaged. Financial need will be taken into consideration. The first bursary will be presented during the 2008/09 academic year.

As of publication, the trust account has \$37,657 (\$22,726 are donated funds and \$14,931 has been matched through the OTSS program). An amount of \$7,795 is still to be matched by the government.

New Awards in 2006

Borden, Ladner, Gervais LLP Professional Excellence Award
Ivana Baldelli Scholarship in Law
Ogilvy Renault LLP Award
Michael A. Wadsworth, Q.C. Memorial Scholarship

New Awards in 2007

Alumni Association, Toronto Chapter, Bursary in Law
Kellerman Family Bursaries
E. Lindsay Rogin Memorial Award
Jean Teillet Award in Access to Justice
Rose Voyvodic Memorial Bursary
WRLSI Excellence in Writing Prize

Through the generosity of our Alumni and Friends, since 2000 we have increased our Access to Legal Education Endowments by 2.1 million dollars.

This is real support for students!

this is the house that law built

windsor law community project 2007

One of the themes of Windsor Law is Access to Justice, but on Saturday, November 10, 2007, faculty, staff, and students joined in an effort to provide access to shelter for a family in hurricane-damaged Louisiana.

About 100 volunteers gathered in a campus parking lot to build a home that has since been shipped south, as part of Habitat for Humanity's Operation Home Delivery—the agency's international response to the destruction caused by hurricanes Katrina and Rita.

"This is a way for us to fulfill our theme and to build the community," said **Dean of Law Bruce Elman**. "This project shows the interconnectedness of the world—here we are, building for people so far away. It demonstrates our global responsibility for each other."

Assistant Dean Francine Herlehy '89 was impressed by the can-do spirit of the volunteers. "I think there was some hesitation at first; we're not construction experts," she said. "But once they got started, everyone took a turn swinging a hammer!"

Third-year law student **Michelle Mulchan** said the outdoor work made for a good break from her intense study schedule. "It's nice to get out and get some exercise and fresh air. It is easy to get wrapped up in our studies and to lose sight of the outside world."

The one storey house—measuring about 1800 square feet—will be finished in Louisiana early next year. It will provide a home for an extended family of thirteen.

Habitat volunteer Mike Tower, a licensed carpenter in Windsor, served as construction

leader for the build. He has spent about twenty weeks in Louisiana since the 2005 hurricanes. "The people in that area think the rest of the world has forgotten them," he said. "To be able to give them a home, it's just priceless."

That students, faculty, and staff really came together for this project is not surprising given the number of activities that members of our community participate in both locally, nationally, and internationally. This build was special in that it provided an opportunity for the law school community to work together to show our commitment to helping others.



Part of the Windsor Law team poses with their framing masterpiece.



Suhuyini Abudulai, Law III and Judith Atwood, Law III are ready for construction.



Messages from the team for the Louisiana family who will make it a home.



The Law School house will join others already in Louisiana on Habitat Row.

windsor law now

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