

# Nulli Secundus

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## Summoned to Celebrate

Photographic Evidence

## Convictions about Criminal Law

Making a Case for a Criminal Law Career

## Direct Evidence of Young Leadership

Class in Session

## Benchmarks

Our Docket of New Judges

# Exhibits

## KEEPING IN TOUCH

If we have lost touch with you or your classmates, please drop us a note, send an e-mail or make a phone call to help us keep in touch. Addresses are collected under the *Freedom of Information and Protection of Privacy Act* and are used for the purpose of updating and maintaining alumni and donor records, and for publications, invitations and updates on what is new at the Law School.

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## Nulli Secundus

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William Trudell '71: Facing off in  
the Criminal Courts



Keith Bird '97: Direct Evidence  
of Young Leadership



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# Opening Statement



## DEAR ALUMNI AND FRIENDS:

It gives me great pleasure to welcome you to another issue of *Nulli Secundus* – our Alumni Magazine.

As usual, this issue is crammed with interesting articles on the significant

accomplishments of our alumni. Our cover story by Laura Elinson examines the Windsor Law connection to the practice of criminal law. This feature begins with a profile of Justice Jane Kerrigan Brownridge '77, who sits in the Provincial Court in Brampton – one of the busiest criminal courts in the country. It also features prominent defence counsel Bill Trudell '71 and Pat Ducharme '75 as well as Crown counsel, Brian Manarin '86. Also included is an examination of the work of Professor David Tanovich, who has pioneered research on racial profiling, and an updated list of our course offerings.

Windsor Law is fortunate to have a dedicated cadre of sessional instructors. In past issues, we have featured some of our senior instructors. In "Direct Evidence of Young Leadership" we feature recent graduates who have joined our staff of sessional teachers. You will be interested in discovering what motivates Keith Bird '97 (Patents), Jeff Hewitt '94 (Civil Procedure and the Lawyering Process), Kaitlyn McCabe '94 (Civil Trial Advocacy), Kileen Dagg Centurione '99 (ADR), and William Willis '04 (Securities Regulations) to give up their time to teach classes at Windsor Law.

We are coming to the end of our 40th Anniversary Celebrations. It has been a year filled with special events to recognize and celebrate the 40th Anniversary of the opening of Windsor Law. At the law school, we have hosted a number of events to mark the 40th Anniversary. These include the Colloquium on the Legal Profession. As well, we have hosted a great many international scholars who have addressed both the students and the law faculty. You will read about many

of these events in the upcoming issues of *windsor law now* and *Nulli Secundus*.

A particular delight has been the two 40th Anniversary Gala Celebrations held so far – the celebration in the fall in Windsor with guest speaker, Justice Steven Rogin, Class of 1971, and the Toronto celebration in April with guest speaker, former Dean John McLaren. These were well attended and provided alumni from all years an opportunity to visit with their classmates, friends from other classes, and to meet other alumni as well as students, staff and faculty. This edition of *Nulli* contains a pictorial of those Gala Dinner Celebrations. I know you will enjoy the photos. I want to thank the Committees in both Windsor and Toronto for all of their efforts in making these celebrations meaningful for students, faculty, staff and alumni.

There is a lot more between the covers of *Nulli Secundus* – Faculty News, Alumni profiles including an article – Benchmarks -- on recent appointments to the courts, pictorials of Reunions and Alumni events. I know that you will enjoy reading every page!

## MY PERSONAL REGARDS AND BEST WISHES,

BRUCE ELMAN  
DEAN OF LAW

FOR BREAKING NEWS IN LAW, LAW ALUMNI NEWS AND  
LAW FACULTY IN THE NEWS, BOOKMARK OUR WEBSITE:

**[WWW.UWINDSOR.CA/LAW](http://WWW.UWINDSOR.CA/LAW)**





Jane Kerrigan Brownridge '77, at her home.

Exhibit A:

# Convictions about Criminal Law

BY LAURA ELINSON

**M**adame Justice Jane Kerrigan Brownridge '77, is an individual for whom a life of service was a natural direction, given her empathic nature and her sense of duty towards those in need. Her various roles have included social worker, lawyer, mediator, and Judge.

Kerrigan Brownridge graduated from Queen's University with a BA in Psychology, and from Wilfred Laurier with an MSW, following which she worked as a front line community protection worker for CAS of Metro Toronto.

As a social worker, she had the opportunity of attending Family Court, providing support to families and children in *Child Welfare Act* and *Juvenile Delinquent Act* matters. It was there that she was bitten by the legal bug.



William Trudell '71, at 15 Bedford Road.



In Fall 1974 she made the trek down the 401 to embark on a legal career in Windsor. At Windsor Law, she enjoyed the benefits of a close-knit environment including the accessibility to professors and the wonderful camaraderie of colleagues.

In the course of her law studies, Kerrigan Brownridge worked for the Children's Aid Society (CAS) of Essex County as an emergency night duty worker. During the two summers at Windsor she worked at the Legal Assistance of Windsor - an invaluable experience, where she provided legal services to the poor and persons with mental illness.

Following her call to the bar, Kerrigan Brownridge worked as legal counsel at the Catholic CAS of Toronto, where she had the opportunity of once again attending court at 311 Jarvis and appearing before many judges who are today her colleagues on the bench.

After two years with CCAS, she went into private practice working in Peel and Halton. During this time, she qualified as a mediator and had a mediation practice concurrent with her law practice, doing both family mediation and personal injury mediation. She was president of the Ontario Association for Family Mediation in 1989-90.

In the course of her private practice, Kerrigan Brownridge sat on the Board of the United Way of Peel and on a committee of the CAS of Peel, and from time to time was hired by the Peel CAS to represent the Society in child protection matters before the courts in Brampton.

In January 1993, she was appointed to the Provincial Court of Ontario and assigned to the Family Court at Brampton, where she was one of five family court judges whose primary responsibility was presiding over custody, access, child support,

child protection and criminal matters in the Youth Court.

In June 2000, the Judges moved into the new A. Grenville and William Davis courthouse in Brampton. It is one of the busiest courthouses in the province. While the population has grown exponentially since her appointment, there are still only five judges out of the total provincial judicial complement of 24 at Brampton, covering all the family court cases in that jurisdiction.

Since June 2001, Justice Kerrigan Brownridge has presided in criminal court on a regular basis. Additionally, she has travelled to northern Ontario to preside in North Bay, Thunder Bay, Fort Frances, Kapuskasing, Dryden, Kenora and Red Lake, to name a few.

Kerrigan Brownridge is very proud to be a provincial court judge and has enjoyed serving on the Board of Directors of the Provincial Court Judges Association in various capacities including as secretary, treasurer and conference co-ordinator, during which time she enjoyed the experience of working with many of her judicial sisters and brothers from all over the province.

Kerrigan Brownridge marvels at the strong and long-lasting friendships that she forged at law school and counts among her closest friends today several law school buddies. She attended both the 25th Reunion and then the 30th in Fall 2007. "It was like going back in time. It was so easy to capture the feeling of being back in university and enjoying the wonderful collegiality of it all."

As she looks back on a most stimulating and satisfying career, she is so appreciative of the memorable beginnings at Windsor Law.

Like so many new lawyers, the young Bill Trudell '71 began his career in the big business world of corporate and civil litigation. Fresh out of law school and fuelled with zeal, Trudell waited patiently for the perfect opportunity to pursue his true passion. A year after beginning as an associate with Osler, Hoskin and Harcourt in 1973, and after some cajoling on his part for the establishment of a new department at the firm, the world of criminal law would not know what hit it.

Trudell's wish to head a new criminal law department at Osler, Hoskin, and Harcourt was granted but it did not take long for Trudell to decide that he was ready to open his own private criminal defence practice; this was something he had dreamt of doing from the start. It has kept him busy to this very day.

Over the years, Trudell's private practice has led him from one high profile case to the next. Beginning with the defence of Gary Foshay in the famous 1986 Buxbaum murder trial, to defending such clients as Mel Gibson, and to Ontario's notorious Walkerton water trial of 2004, Bill Trudell has built quite a name for himself.

Although Trudell has earned an extraordinary reputation for himself as a criminal defence lawyer, it is his reputation as a devotee of social justice causes for which he has truly become known. Trudell's passion for social justice and his respect for those who helped him shape his remarkable career are powerfully moving. At the 2006 Windsor Law Gala Alumni Dinner in Ottawa, Trudell spoke to a rapt audience of his candid recollections about the Windsor Law tradition and its unparalleled emphasis on social justice. He spoke of his professors and his peers from the University of Windsor's first-ever graduating law class, who not only inspired him to passionately



Patrick Ducharme '75, in his Windsor office.



pursue criminal law, but solidified his belief in our system of justice.

"I have been really lucky with people I met and it started at the University of Windsor," he says. For Trudell, one man in particular stands out as being especially important in affecting his belief system and influencing him: "If Walter Tarnopolsky had not been the dean, my career would have been very different. He had a passion for justice and human rights. He was so humble, but so talented and he affected everybody – certainly me," Trudell says. "He taught us to advocate and to ask, and to never take no for an answer."

Trudell remembers approaching Dean Tarnopolsky to ask whether he and some colleagues could set up a student defender program. "The Dean scratched his head and realized that we were going to keep at him until he allowed us to do it," Trudell recalls. That program became the Windsor Community Legal Aid Clinic, as it is still known today. Trudell is and always has been thankful to Windsor Law for investing the time and energy necessary to guide him along the path that would illustrate responsibility in law. In the very first issue of the *Oyez* in 1970, Bill Trudell advocated on behalf of a Student Defender Program: "The Law School could become the most irrelevant institution ever conceived, unless more cognizance is taken of the world which supports it. Student Defender Programs and Clinical Centres must be sponsored vigorously, and constantly revalued to fit the needs of society. Members of the community and of every profession therein must be encouraged to join us in seminars and add guidance and criticism to the legal education of the future lawyer. A legal society's student council must continually cultivate this area so that when the doors open, the piece of parchment grasped in each lawyer's hand will represent an awareness of the

world, a keen desire to assist it and not simply to exploit it."

Bill Trudell set out to make a difference with his law degree. While at school, he was instilled with a unique commitment to the ideals of social justice and the quintessential role played by lawyers in that pursuit. His words clearly underscore his tremendous passion for what he does. What is equally clear is his passion for and belief in the school that got him there.

Bill Trudell has been active in the founding of the Canadian Council of Criminal Defence Lawyers as well as the International Defence Bar. In February 2005, he received the *Law Times*' first Lawyer of the Year Award.

**I**f his curriculum vitae, chock full of publications and distinctions, is not enough to convince you of Patrick Ducharme's passion for criminal law, a few moments spent in conversation with him about his career is certain to do the trick.

As a partner and head of the Criminal Law Department at Ducharme Fox LLP, Pat Ducharme '75 is obviously a busy man. He finds time, however, to actively fulfill his role as sessional lecturer for Windsor Law, (a position he has held for more than 25 years), teaching courses in The Law of Evidence, Criminal Procedure, and Criminal Trial Advocacy to students eager to soak up his knowledge and to learn from his experience.

Pat avows his passion for criminal law began at an early age. "The fact is," says Ducharme, "I have always loved criminal law." From the moment he got to law school, he had no doubt of the area in which he wanted to practise. Unlike most law students who finish their first year of law school in a daze of possible options, Ducharme recognized his

affinity for criminal law right from the start.

The successful lawyer is quick to credit those individuals who supported him and made his decision to pursue criminal law an easy one. Professor Neil Gold (now Provost and Vice-President, Academic) is one of the influences he is eager to thank. Gold was the founding lawyer of Legal Assistance of Windsor (LAW) and supervised Ducharme, who worked as a student caseworker for the clinic at the time. "I would not have traded anything in the world for it," says Ducharme. More than anything, Gold's decision to allow the law student to pursue his passion had the effect of making him feel like someone significant – someone whose interests and talents were not going to be ignored or diminished. Ducharme compares Gold to another important mentor in his life – former Dean of Law and University of Windsor President, the late Dr. Ron Ianni – when describing him: "Like Ron, Neil is a person who can bring groups together, never seems flustered, always seems in control and is a very, very intelligent man."

Ducharme, who has lectured or presented at every law school in Ontario, says Windsor Law stands out. "It is unique in that it is really a community effort. It is part and parcel of the legal community in Windsor. The students are very close to the professors and lecturers, and because of its size and location, it is very much like a family of people interested in law. My law firm feels a real affinity for the law school and we are proud to be associated with it."

Ducharme frequently runs into former students, and without exception, hears wonderful comments about Windsor Law alumni. "They seem to be grounded, humble and talented. That is the image that we have created with our alumni."



Brian Manarin '86, sitting on piles of research on the day he completed his LL.M.

The fact that Windsor Law was a pioneer in criminal trial advocacy is something that makes Ducharme proud. “Way back, 26 years ago, when we started, I believe we were the only school to offer that course.

“Since then, every other school has adopted it as part of its curriculum in one form or another. We were training lawyers to be advocates at a time when it was not popular to do so. We still do it today and I would like to think we’re dedicated to it.”

For his courses, Ducharme invites judges, prosecutors, and defence lawyers to offer their expertise to students on how to perfect the art of persuasion. Because of this, “we have developed a wonderful reputation across the country of putting some very talented advocates into the legal community.”

Today, Ducharme continues to practice criminal law almost exclusively, and his original fervor for it as a young law student has not faded. It is this passion that keeps his students captivated and his colleagues reverent of his work and his contributions to this day. One can only wonder how many future Windsor Law grads will enjoy successful careers in criminal law and will thank Patrick Ducharme for inspiring them to pursue their own convictions.

**W**indsor Law often creates lawyers humble enough to ask difficult questions capable of changing the legal world. For these individuals, education supercedes the ease of practising within the status quo. Such is the case for Brian Manarin ’86, the teacher and lawyer for whom no stone remains unturned in the search for truth in law. Whether championing the cause of the mentally ill within the province’s justice system, or dispelling public misconceptions about the legal process, Manarin continues to raise

the bar when it comes to striving for integrity and purpose on behalf of this country’s legal system.

Since 1990, Manarin has worked as an assistant Crown attorney, prosecuting for the Ontario Ministry of the Attorney General. He began his legal career in civil litigation after being called to the Bar in 1988, but craved more practice in the courtroom and quickly moved to criminal litigation. While practising in the fast-paced world of courtroom drama would ultimately prove useful for him, it was the idea of working on behalf of civil liberties and due process in a court of law that inspired Manarin.

Today, he continues to relish his role in supporting the fundamental basics of Canadian legal rights. He explains that, despite being a prosecutor, his job is not necessarily to get convictions. “Our function is to call up the evidence and argue it to its natural strength and let the chips fall where they may. We can be just as satisfied orchestrating an acquittal as we can at marshalling a conviction,” Manarin says. A defence lawyer does not have the luxury of standing up and admitting that the evidence has proven his or her client’s guilt when the trial is over. Manarin is grateful that his role allows him to do just that. “I can speak the truth without fear of misspeaking and having that visited upon someone in the future. The defense counsel is hamstrung as to what submissions they can make because they are the client’s advocate. I’m only concerned about the truth. The last thing any prosecutor wants as a legacy is being the lawyer who orchestrated someone’s wrongful conviction.”

Part of Manarin’s commitment to truth emerges as a desire to clarify the system in which he works for those for whom it was created. He embraces the part of his job as a Crown prosecutor that gives him the chance to speak to various interest groups about his work.

Whether he is speaking to high school students, to penitentiary inmates, or to his current students at Windsor Law, where he works as a sessional lecturer, he enjoys keeping people informed about criminal justice matters. “One of the worst things that can occur in any system is a lack of information,” Manarin says. The by-product of this role is the chance to foster a close connection with the community that he serves. “That is probably the most rewarding part of my job.”

Manarin’s commitments to his community and to the maintenance of a healthy legal system are illustrated by his assiduous work on behalf of those who don’t fit neatly into the traditional litigation blueprint. “I have always had an interest in issues involving mental illness,” says Manarin. It led him to the work he does in Windsor on behalf of offenders with mental illness. “It is fundamental to any justice system that we do not hold persons with mental illness to the same standards prescribed for everyone else,” Manarin says. Ensuring that such offenders receive the unique services that they require is a challenge he is happy to take on.

In recognition of his contributions, Manarin was selected Lawyer of the Year in 2005 by the New Beginnings Young Offenders Group Home, a role modelling and mentoring organization in the Windsor community. In 2006, he received the Charles J. Clark Award from the Essex Law Association, an award given annually to a local lawyer who best exemplifies professional integrity and community service. “The University of Windsor emphasized that it is part of your obligation as a lawyer to give back to the community. That’s exactly what I am doing,” Manarin says. By rejoining the Windsor Law community and providing his services to tomorrow’s young lawyers, he is ensuring that the legacy of giving back continues.





Professor David Tanovich, in the classroom.

**A**s a young criminal lawyer working closely alongside renowned Canadian litigator James Lockyer, Windsor Law professor David Tanovich saw one thing every day: injustice.

Learning from the “intimidating perfectionist” in an intensely demanding practice, Tanovich encountered the first-hand stories of the marginalised in Canada’s largest city.

Perhaps it was the experience of seeing this injustice day in and day out that lit the fire in Tanovich to continue to pursue a career in criminal law and to become the first criminal lawyer in Canada to develop an appellate critical race perspective in arguing cases. But whatever the reason behind his drive, Professor Tanovich has enjoyed a vibrant career in a field which is undoubtedly his true calling.

Inside the courtroom, one of the biggest lessons Tanovich learned throughout his six years working with the legendary Lockyer was the importance of a strong appellate brief. “I learned how to write a powerful, persuasive brief. James Lockyer was always extremely well prepared when arguing an appeal; he had a very sceptical eye. This taught me to be critical of the facts in an appellate case—even when they seemed to be very strong.”

Perhaps one of Tanovich’s biggest accomplishments in private practice has to do with something that occurs long before a conviction: the right of the police to strip search. In *R.v. Golden*, Tanovich represented Ian Vincent Golden, an Aboriginal man who was strip searched in a public place. “At that time, there were very few regulations governing strip searches by police,” Tanovich explains. “It had become commonplace for the police to strip search whenever they arrested

someone if they so chose—even in public.” The Supreme Court ruled in Golden’s favour, setting an important precedent, which continues to result in a significant reduction in the number of strip searches conducted in Canada every year and which does not allow the police to strip search in public, save in exceptional circumstances.

In his six years as a litigator handling appellate cases, Tanovich argued more than 90 cases before the Ontario Court of Appeal and the Supreme Court of Canada. Before leaving practice, he had won three SCC cases in a row, which does beg the question, why did he leave practice?

“When I left law school, teaching was my goal,” explains Tanovich, who taught two courses at Osgoode Hall while in practice. “I wanted to engage and inspire students. As a practising lawyer, I was able to observe what arguments lawyers were making in the courtroom, what questions they were asking—and which they were missing.”

Professor Tanovich is the author of *The Colour of Justice* (Irwin Law) and the founder of the Law Enforcement Accountability Project (LEAP).

According to Tanovich, “you cannot be an effective lawyer today without baring a critical race perspective. I hoped to be able to provide students with the necessary skills to be able to argue cases with the same critical eye that was taught to me.”

And it certainly seems that Professor Tanovich is reaching his goals. When asked what is the one thing he would tell the world about Windsor Law, he answers that “we are now in the top three law schools in criminal law in the country—in terms of our course offerings, in terms of our professors, in terms of the clinical experience our students can gain through the C.L.A., and in terms of the number of students interested in criminal and social justice and advocacy.”

## CRIMINAL LAW AT WINDSOR LAW: OUR DOCKET OF COURSES

Windsor Law is proud to offer a compartment of Criminal Law-centred courses. We are indebted to our faculty and sessional instructors for their dedication and commitment.

### CRIMINAL LAW AND PROCEDURE:

Justice Guy DeMarco '73; Professor Brian Etherington; Kirk Monroe; Professor David Tanovich; Professor Larry Wilson

**EVIDENCE:** Professor David Tanovich; Professor Leigh West

**CRIMINAL PROCEDURE:** Patrick Ducharme '75

**CRIMINAL TRIAL ADVOCACY:** Patrick Ducharme '75

**CIVIL LIBERTIES:** Professor Laverne Jacobs

**CONSTITUTIONAL LITIGATION:** Dan Guttman '98, Zach Green, Justice Renée Pomerance, Lori Sterling

**SENTENCING:** Justice Rick Libman '80; Brian Manarin '86; Justice Saul Nosanchuk

**REGULATORY OFFENCES:** Justice of the Peace Susan Hoffman '89; Justice Rick Libman '80

### SPECIAL TOPICS:

**RACIAL PROFILING:** Professor David Tanovich

**CLINICAL EXPERIENCE:** Community Legal Aid

**MOOTING EXPERIENCES:** Gale Cup, Arnup Cup, Sopinka Cup, International Criminal Court (ICC) Moot Competition

# Bernard Cohn Q.C. Lecture

BY DEAN BRUCE ELMAN



From left: Brian Beresh Q.C., the 2006 Bernard Cohn Q.C. Lecturer, the cover of *Counsel for the Defence*, and Adrian Brooks Q.C., the 2008 Bernard Cohn Q.C. Lecturer.

Windsor criminal defence counsel Bernard Cohn Q.C. died in 1982 at the age of 74. His remarkable career in the law spanned 52 years. Following his call to the Bar in 1930, Cohn established a practice in Windsor devoted exclusively to criminal defence work. Throughout his life, Bernard Cohn championed the cause of the underdog. He successfully defended clients charged with minor highway traffic matters as well as those charged with the most serious crimes and he represented them all with equal strength and zealously. Throughout his career, he remained committed to the vigorous defence of his clients within the law and the ethics of the profession.

Following his death, Cohn's family and friends established the Bernard Cohn Memorial Lecture Series Trust dedicated to the annual presentation of a lecture by a leading member of the criminal defence Bar. The members of the Trust continue to be Edward L. Greenspan Q.C., the Honourable Saul Nosanchuk, Harvey T. Strosberg Q.C., and the Honourable Carl Zalev.

Edward L. Greenspan Q.C. delivered the inaugural lecture in 1987. Since then, the lecture has been delivered by some of the most prominent members of the criminal defence Bar representing all regions of Canada including Adrian Brooks, Q.C., (2008) Brian Beresh Q.C. (2006), Marlys Edwardh (2004), Joel Pink, Q.C. (2002), David Cohn (2001), Raphael H. Schachter, Q.C. (2000), the Honourable Justice Saul Nosanchuk (1999), Noel O'Brien, Q.C. (1998), Brian Greenspan (1995), Frank McKenna Q.C. (1994), Hersh Wolch, Q.C. (1993), the Honourable G. Arthur Martin (1992), the Honourable Gerald Allbright (1991), Austin Cooper, Q.C. (1990), Greg Brodsky, Q.C. (1989), and the Honourable Michel Proulx (1988).

The first fifteen lecturers have been compiled in a book entitled *Counsel for the Defence: The Bernard Cohn Memorial Lectures in Criminal Law* (Irwin Law), edited by Edward L. Greenspan, Q.C. The lecture series and the book emanating from it are a wonderful tribute to an excellent lawyer - Bernard Cohn Q.C. They also serve as a testament to the foresight of the members of the Bernard Cohn Memorial Lecture Trust.



# Exhibit B: Expert Reports



## DONNA EANSOR

Professor Donna Marie Eansor has been named among Ontario's most outstanding University teachers in a province-wide competition adjudicated by the Ontario Confederation of University Faculty Associations (OCUFA) Awards Committee.

"The awards committee was impressed by Eansor's commitment to facilitating student success and working for educational equity for all students," said OCUFA President Brian Brown. "Her contributions to the equitable practice of legal education at the university, provincial, and national levels are truly outstanding."

OCUFA has celebrated outstanding achievement in teaching and academic librarianship at Ontario universities since 1973. The awards committee selects up to six teaching awards and one academic librarianship award recipient annually.



## MYRA TAWFIK

In 2008, Professor Myra Tawfik was awarded a Public Outreach Grant from SSHRC in partnership with Dr. Francine Schlosser of the Odette School of Business. The funded project was entitled "Fostering Creative Entrepreneurship through Unique

Mentoring Programs." Working in collaboration with MBA and MBA/LL.B students, law student interns at the Intellectual Property Legal Information Network planned, prepared and delivered a series of workshops and mentoring programs designed to provide immigrant entrepreneurs with the skills to effectively compete in the knowledge-based economy. New funding has been secured to run a similar program for youth entrepreneurs in 2009-2010.



## BRUCE ELMAN

In January 2008, Dean Bruce Elman delivered two papers at the Annual Meeting of the American Association of Law Schools in New York. His first presentation was on the topic of "Comparative Research by Non-International Faculty" as part of a

workshop on International Co-operation and the Role of U.S. Law Schools. He also spoke to the North American Co-operation Section on the benefits and pitfalls of cross-border joint degree programs, highlighting the Windsor/Detroit Mercy J.D./ LL.B Program.

In June, Dean Elman participated in the 12th Biennial Jerusalem Conference in Canadian Studies. The theme of this year's conference was "Responding to the Challenge of Diversity: Canada, Israel, and Beyond." The dean served as a commentator on a paper delivered by Dr. Janice Stein entitled *Religion, Culture, and Rights: A Conversation about Women's Rights*. Dean Elman continues to serve as a member of the Academic Advisory Board to the Halbert Center of Canadian Studies at Hebrew University of Jerusalem.

Most recently, Dean Elman delivered a paper entitled, *A Glimpse into Canadian Federalism* at the 61st Annual Meeting of the Southeastern Association of Law Schools in Palm Beach, Florida. His paper was presented at a session on Comparative Federalism: Australia, Canada, Germany, and the United States.

Dean Elman is the Co-Editor with Dr. Len Rotman and Windsor Law alum, Gerald L. Gall '72, of the newly published *Constitutional Law: Cases, Commentary and Principles* (Thomson Carswell 2008).



## DAVID TANOVICH

In 2007/2008, Professor Tanovich continued his research in the area of systemic racism. He presented his paper *The Charter of Whiteness: 25 Years of Maintaining Racial Injustice in the Canadian Criminal Justice System* at a conference marking the 25th

Anniversary of the Charter. His paper *Ignoring the Golden Principle of Charter Interpretation* which addresses the failure of the Supreme Court to take a critical race approach in Charter analysis was presented at the annual Osgoode Constitutional Cases conference. In the fall of 2008, Professor Tanovich was a Robson Hall (Manitoba) Distinguished Visitor and presented a talk entitled "The Song Remains the Same: The Failure of the Police to Adequately Respond to Racial Profiling in Canada."

Professor Tanovich's current research focuses on law students and sexual assault. His paper *Thinking Like a Lawyer: A Model Code of Professional Responsibility for Law*

*Students* was presented at the 11th Colloquium on the Legal Profession at Windsor; a faculty seminar at Manitoba; and, at the 2009 Canadian Association of Law Teachers Conference in Ottawa. His paper *No Longer Handy: The Supreme Court's Assault on the Admissibility of Similar Fact Evidence in Sexual Assault Cases* was presented at a sexual assault conference in Ottawa marking the 10th Anniversary of the Jane Doe decision. Professor Tanovich is currently embarking on a study of sexual assault appeals in the Ontario Court of Appeal. Initial funding has been provided through the Borden Gervais LLP Fellowship Program, a Windsor Social Sciences and Humanities Grant and the Law Foundation of Ontario.

In 2009, Professor Tanovich received a \$50,000 grant from the Law Foundation of Ontario for the law school's Law Enforcement Accountability Project. LEAP is a student-led research institute examining issues surrounding police accountability, police complaints and racial profiling. Professor Tanovich is LEAP's Academic Director.



#### EMIR MOHAMMED

Professor Emir Aly Crowne Mohammed is an Assistant Professor at the University of Windsor, Faculty of Law. His teaching and research interests lie in all areas of Intellectual Property Law (domestic, comparative and international), Information Technology

Law, Medical Law, Gaming Law, Torts and Contract Drafting/Negotiation. Along with the Windsor Review of Legal and Social Issues, he founded the Canadian Law Student Conference – the only undergraduate Law student conference in Canada to showcase the research of LL.B. and J.D. students. He also founded the Harold G. Fox Intellectual Property Moot ([www.ipmootcanada.ca](http://www.ipmootcanada.ca)). He is a member of the Editorial Board of the Canadian Patent Reporter and the Gaming Law Review & Economics. He has published over a dozen articles this past year in journals like the Oxford Journal of Intellectual Property Law & Practice, the Privacy & Data Security Law Journal, the Advocates' Quarterly, the Gaming Law Review and Economics, and the Richmond Journal of Law & Technology, among others. Professor Mohammed was also named Professor of Year by the Student Law Society at the University of Windsor in 2008, and again in 2009.

#### CHRISTOPHER WATERS

Professor Christopher Waters examines the complex relationship between the military and civilianized domestic and international law. In September 2008, he presented on



the topic of "lawfare" in a keynote address at a British conference on International Humanitarian Law. In his view, concerns about lawfare have been overblown and represent a crisis of leadership in the American and British militaries. He argued that courts have, in fact, been deferential—unduly so in

many cases—towards the military.

Professor Waters, who teaches Public International Law at the Faculty, is also considering the relationship of the Canadian military with the law, looking specifically at the legal challenge to the Canadian Forces' detainee transfer policy in Afghanistan. The results of this research were presented at the Canadian Council on International Law in Ottawa in October, on a panel that included retired general Lewis MacKenzie.



#### LEONARD ROTMAN

In June 2008, Dr Leonard Rotman presented a paper entitled *Responding to the Challenge of Aboriginal Diversity in Canada* at the 12th Biennial Jerusalem Conference in Canadian Studies, hosted by the Halbert Centre for Canadian Studies at The Hebrew University of Jerusalem.

Dr. Rotman's book *Fiduciary Law* (Thomson, 2005) was shortlisted for the 2007 Walter Owen Book Prize as the best book in Canadian law.

Dr. Rotman taught at four different law schools in 2008. In addition to his regular duties at Windsor Law, he teaches a module of the Business Organizations class at the University of Detroit Mercy Law School. He is also the Course Leader/Coordinator of the Section on Fiduciary Law for the LL.M. Program in Trust Law held by Osgoode Professional Development at the Osgoode Hall Law School at York University, and was the visiting professor at the Washington and Lee University School of Law in Lexington, Virginia in the fall term of 2008.



#### LAVERNE JACOBS

During her first year at Windsor Law, Professor Laverne Jacobs taught a new seminar on Civil Liberties, bringing a fresh approach to a classic subject area. Jacobs' course examines, comparatively, governmental infringement of human rights and freedoms and approaches to governmental accountability.

Specific topics discussed include privacy, national security, equality, social and economic rights, redress for historical injustice and religious and cultural pluralism. One of the highlights of the course is the Civil Liberties Student Symposium - a two-day conference in which the students present their research essays in progress to the Windsor Law community.

Professor Jacobs also completed her first book, *Dialogue Between Courts and Tribunals – Essays in Administrative Law and Justice* (2001-2007) (co-edited with Justice Anne Mactavish) which was funded by a grant from the Law Foundation of British Columbia. She has a chapter in a new textbook on Administrative Law. Her chapter entitled, *Independence, Impartiality, and Bias*, appears in Flood & Sossin, eds. *Administrative Law in Context* (Emond Montgomery, 2008).

She also published two articles - one on historical wrongs in Canada, *Reconciling Tort and Administrative Law Concepts of Justice: The Case of Historical Wrongs* (2007) UNB L.J. 134;

the other a review of the Supreme Court of Canada cases on administrative law, *Developments in Administrative Law: The 2005-2006 and the 2006-2007 Terms* (2007) 38 Supreme Court Law Review (2d) 55, a review that she writes annually. Her 2004-2005 review was recently cited by the Nova Scotia Court of Appeal in *Halifax (Regional Municipality) v. Nova Scotia (Human Rights Commission)* [2008] N.S.J. No. 92.

In January, 2008, she was invited to speak at the University of Toronto, Faculty of Law's symposium on *The Future of Administrative Justice* where she presented her paper, *Reconciling Tribunal Independence and Expertise - Empirical Observations*. Professor Jacobs was also recently appointed to the Board of Directors of the Canadian Institute for the Administration of Justice where she sits on the Research Committee and the Administrative Tribunals Committee. She continues her appointment as a part-time member of the Human Rights Tribunal of Ontario.



#### ANNETTE DEMERS '98

During her time as a reference librarian at The Harvard Law Library, one thing struck Annette Demers time and time again. "Harvard has documented almost every aspect of their history. From

papers published by faculty members or even faculty teaching notes—they have a collective memory of their past." Believing that Windsor Law should have and always maintain a collective memory of its own past, the Paul Martin Law librarian set out to document Windsor Law's history in honour of the school's 40th anniversary.

Sifting through old Faculty Council minutes, convocation minutes, local newspapers, articles of the Windsor Review of Legal and Social Issues, along with the Canadian Community Law Journal and a number of other academic law journals, Demers tried to uncover every bit of Windsor Law's past. Her reference book, officially entitled *A History of the University of Windsor Faculty of Law Prepared on the Occasion of the 40th Anniversary of the Faculty of Law* is now complete.

"Windsor Law has an incredibly interesting history," says Demers. "The Law Faculty's ideal of access to justice is not just a mission statement. It is the culmination of forty years of hard work and vision by dedicated professors, staff, students and alumni."



#### ANNA DECIA-GUALTIERI '01

Windsor Law is proud to announce the appointment of Anna Maria DeCia-Gualtieri as our director of Career Services. Anna is a Windsor Law alumna from the Class of 2001, and was called to the Ontario Bar in 2002. She practised commercial

and estate litigation with McTague Law Firm LLP until her appointment in August 2008.

Her office assists law students in assessing potential career paths and in developing job search strategies in both traditional and non-traditional careers. The office coordinates career development seminars, panels, and offers individual counseling to students and alumni. Recruitment activities such as Career Fairs, On-Campus Interviews, and workshops are central to its activities. Externally, the office actively promotes students and programs to create and augment employment opportunities for Windsor Law grads.

Alumni can stay involved by mentoring a student through the Windsor Law Job Shadowing Program, offering advice through the new Virtual Coffee Program, or by hiring a Windsor Law grad. The Career and Alumni Development Office provides alumni with a network to link employers with new lawyers as they expand their legal careers.



# Exhibit C: Summoned to Celebrate

## Photographic Evidence

### 40th Anniversary Galas in Windsor and Toronto



Our Windsor Law 40th Anniversary festivities began in at the Windsor Club in Windsor on November 11, 2008. Our keynote speaker was The Honourable Justice Steven Rogin '71. We honoured members of our first graduating class including James Ball, Joe Comartin John Deziel, Walter Donaldson, The Honourable Peter Hockin, Russell Horrocks, Gerry Koski, Wayne Patterson, Michael Ray, and Myron Shulgan. Over 200 alumni, friends and law students celebrated this milestone in our history.



WINDSOR LAW 40TH ANNIVERSARY GALA - WINDSOR, NOVEMBER 2008





40TH ANNIVERSARY GALA - TORONTO, APRIL 2009







**Windsor Law, University of Windsor**

**LEGAL RESEARCH THAT IS  
CHANGING OUR WORLD**

**WINDSOR LAW**  
University of Windsor 

**Windsor Law is the proud home of a dedicated faculty who research contemporary legal issues both in Canada and throughout the globe. Their research advances the boundaries of legal knowledge and helps change the world we live in.**

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**Reem Bahdi**, supported by funding from the Canadian Government, is codirecting a project with Palestinian researchers, judges and lawyers to help secure judicial independence and promote human rights in Palestine.



**Jeff Berryman** writes about how our understanding of compensation for personal injuries is affected by the reality of Canada as a multicultural society.

*Accommodation of Ethnic and Cultural factors in Damages for Personal Injury* (2007), 40 *University of British Columbia Law Review* 1-40



**W.A. Bogart**, studies the intersection of how laws influence societal behavioural problems such as gambling and excessive consumption.

*What Are The Odds? Regulating Excessive Consumption and Problem Gambling* (Oxford University Press, New York)



**Bill Conklin** writes about legal theory and on whom the state chooses to confer the rights of citizenship.

*Hegel's Laws: the Legitimacy of a Modern Legal Order* (Stanford University Press, Palo Alto CA)



**Donna Eansor** studies mental health and the unique problems faced by women in balancing work and personal life.

*Positioning Women, Mental Health and Depression on Canadian Health Care Agendas* (2008) *Forum on Public Policy* (Online)



**Brian Etherington**, writes on labour law, and has recently examined a decision of the Canadian Supreme Court that gives constitutional protection to a union's bargaining rights.

*The BC Health Services and Support Decision – The Constitutionalization of a Right to Bargain Collectively in*

*Canada – Where did it come from and where will it lead?* (2009), 30 *Comparative Labour Law & Policy Journal*.



**Maureen Irish** studies the ramifications of creating a common security perimeter around North America.

*Canada-US regulator convergence and the idea of a common security perimeter* (2009) 12 *Journal of International Economic Law*



**Julie Macfarlane**, with funding support from the Social Science and Humanities Research Council of Canada, is currently studying Islamic divorce in Ontario as part of the ongoing debate over the place of shari'a law in a multicultural society.



**Emir Mohammed** studies the moral rights that creators and artists have over their works and what happens when such rights are claimed by corporations.

*Moral Rights and Moral Rights in Canada* (2009), 4 *Journal of Intellectual Property Law & Practice*





**Dick Moon** has just authored a report for the Canadian Human Rights Commission on how they should, or should not, regulate hate speech.

Report to the Canadian Human Rights Commission Concerning Section 13 of the CHRA and the Regulation of Hate Speech on the Internet.



**David Tanovich** has launched a new research initiative called LEAP (Law Enforcement Accountability Project) which is designed to address issues such as police complaints processes and racial profiling.



**Paul Ocheje** writes about the impact of current economic policies dictated by organizations such as the World Bank on African Nations and their ability to fulfil social and economic rights of citizens.

Neo-Liberal Economic Reforms and the Realization of Social and Economic Rights in Africa (2007) 15 *African Yearbook of International Law* 187.



**Myra Tawfik** and **Francine Schlosser** (Odette School of Business) have a public outreach grant from the Social Science and Humanities Research Council of Canada, and from the Ontario Ministry of Small Business and Consumer Services, to educate and train immigrant and youth entrepreneurs in how to advance their business plans.



**Len Rotman's** focus of research is on using trust and fiduciary concepts to achieve corporate accountability in a time that demands greater regulation of corporate governance.

Fiduciary Primacy? Papers presented at Boston University School of Law and Duke University School of Law (2009).



**Marcia Valiante** studies the administration of the 100 year old boundary waters treaty between Canada and the United States and what new principles will be needed to address ecosystem protection in an era of climate change.

How Green is My Treaty? Ecosystem Protection and the Order of Precedence under the Boundary Waters Treaty of 1909, (2009) *Wayne Law Review*.



**Anneke Smit** studies the law dealing with land and business expropriation. She is currently research the plight of property owners whose land is being acquired for the Detroit River International Crossing to determine the appropriateness of compensation levels.



**Chris Waters** is studying the impact of the role that Provincial Law Societies in Canada can play to advance social justice by taking up a more activist role when the rule of law is under threat in countries abroad.





**DEAN BRUCE ELMAN**

“The research of my colleagues, as illustrated in this brochure, connects Windsor Law to the community: in Windsor, in Canada, and around the world. The breadth of subjects and interests studied makes Windsor Law an Internationally recognized centre for innovative and valued legal research.”

40TH ANNIVERSARY GALA - TORONTO, APRIL 2009



# Toronto 40th Anniversary Gala



Our Toronto 40th Anniversary festivities culminated at the Rosewater Supper Club in Toronto on April 2, 2009. Our keynote speaker was former Dean John McLaren who reflected on the early days of Windsor Law's history. Almost 300 alumni and friends celebrated the event. Of special interest was the announcement of an Alumni Cruise to Bermuda in early August 2010, for which lawyers will earn continuing legal education credit. Guest lecturer will be Richard Stock of Catalyst Legal, speaking about strategic initiatives for today's legal practice. Special thanks go to Peter Neubauer '73 and his wife Dianne for sponsoring our champagne toast to the Law School's 40th!





## 40TH ANNIVERSARY GALA - TORONTO, APRIL 2009



The Dean is teaching an evening course, comes out of the seminar room and there is his aging Volvo which has been driven up 13 steps and is in the foyer of the law school. Not only that, there was a crepe ribbon around it and a bottle of beer on the top and a placard announcing "Ted Manzig did this." A less likely outcome one could not imagine. I still have the suspicion to this day that Frank Borowicz and Neil Gold may have had something to do with it. What could you do at 10:30 in the evening with 13 steps to drive down? We went to the Bridge house. I knew there would be a good welcome there because Libby had this seat set aside for the Dean on which he was occasionally invited to get up and sing to the assembled masses.

That spirit of the law school lives on. That early spirit, that sense of community, that closeness between faculty and students lives on. I talk to the graduates who make their way to the west coast on occasion and the same sense is there, this being a good place both to learn law and to be part of a community that enjoys itself.

Excerpted from former Dean John McLaren's remarks at the 40th Anniversary Gala in Toronto on April 2, 2009



# Class of 1973

## 35th Anniversary Reunion



The Windsor Law Class of 1973 hosted a gathering for their 35th Anniversary Reunion in Oakville, concurrent with the Humphrey-Ianni-Landry Golf Tournament in May 2008. Co-ordinated by Peter Neubauer '73, classmates flew in from all over Canada to attend the party. The large-scale class composite was the main topic of conversation! Attendees included Bob Wheatley (Halifax), Hugh Fergusson (Calgary), Michael Garfin (Toronto), Gordon Ross (Kitchener), Joseph Kappy (Toronto), Anne Silverman (North York), James Scarfone (Hamilton), Justice David Stone (Oshawa) and Peter Neubauer (Concord). Congratulations on 35 great years!





# Class of 1977

## 30th Anniversary Reunion



The Class of 1977 helped make Reunion Weekend 2007 a huge success. Former classmates converged on Windsor Law for a full weekend of festivities, including Dean Bruce Elman's State of the Law School Address, presentations from various faculty members, a Law Building tour, a class dinner at the Cleary International Centre, plenty of time for informal chats with old friends and the Dean, and a farewell breakfast at the Hilton Hotel.

For their part, alumni had a great time reminiscing as cameras flashed and memories flowed. Conversations could be heard of alumni reconnecting—in some cases for the first time in three decades. "We all have very fond memories of the time we spent at Windsor Law," said Justice David Harris '77. "This is a chance to reconnect that we do not get very often."

"It's great to wander around campus," said alumnus Charles Spence '77, who flew in from Calgary. "The University looks great. It is wonderful to see everyone; I have not seen some of them in 30 years."

The Reunion co-chairs, Peter Lillico '77 and Jeff Strype '77, organized a golf tournament at Essex Golf and Country Club, in which Professors Julio Menezes, Larry Wilson and David Tanovich participated. The class also brought the law

students a rare opportunity to interact with and learn from a panel geared to the wide range of career choices available, offering tips and practical advice. Forty students attended the presentation, chaired by Peter Lillico and including Tom Carey, Mark Hartman, Rob Nicholson, and Harry Poch. Also attending the reunion festivities were Brian Ducharme, Harry Perets, William Toon, Robert Morris, Bruce Leach, Brian Horricks, Nestor Kostyniuk, Hamoodi Hassan, David Hornstein, Randy Neal, Barry Smith, Justice Jane Kerrigan Brownridge, Steve Horodeckyj, Silja Seppi, Trevor Walker, Micheal Fleishman, David Godard, Gary Wellman, John Vickruk, David Hurley and Olga Luftig.

For his part, Justice Minister and Attorney General Rob Nicholson said that "just to be back at the University is enough to get me to Windsor. I owe so much to this Faculty and to this city—I wouldn't miss this!" He even found time in his schedule to hold an informal Q & A with the students.

Windsor Law would like to thank all the alumni who contributed to the weekend, particularly Peter Lillico and Jeff Strype.

Due to our photographer's camera malfunction, photos for both the 1982 and 1977 reunions were lost. We hope your memories will not be.





# Class of 1982

## 25th Anniversary Reunion



Sixty members of the Class of 1982 returned to the Ron Ianni Faculty of Law building in the fall of 2007 for the 25th Anniversary of their graduation from Windsor Law. They celebrated with reunion drinks at the Bridge House, and attended a luncheon and state-of the law school address in the Moot Court. Dean Bruce Elman spoke about events at the law school, including its successes and ongoing challenges. At the anniversary dinner held at the Windsor Club, Peter Kryworuk, on behalf of the organizing committee, outlined their plan to do something special for the law school.

The result was the **Class of 1982 Leadership Award**, which is the largest class-established award at Windsor Law. It is given to an upper year law student who demonstrates leadership within the law school, the University of Windsor and the community at large. This important award is also based on academic achievement and demonstrated financial need. Members of the Class of 1982 pledged \$2500 over a five-year period, representing \$100 for each year of their anniversary.

On behalf of Windsor Law, we are proud to see the **Class of 1982 Leadership Award** redefine class gifts!

Due to our photographer's camera malfunction, photos for both the 1982 and 1977 reunions were lost. We hope your memories will not be.







# Class of 1983

## 25th Anniversary Reunion



The Windsor Law Class of 1983 hosted their 25th Anniversary Reunion in Windsor in November 2008. They attended a State-of-the-Law School address in the moot court, and a celebration dinner at Caesars Windsor. We would like to thank them for firmly establishing the reunion weekend tradition at Windsor Law.





25TH ANNIVERSARY REUNION - WINDSOR, NOVEMBER 2008



# Executive Class

BY MICHELLYNE MANCINI

When Michael Rotenberg '81 created 3 Arts Entertainment in 1991, he and his partners had a grand vision. "At the time," recalls Rotenberg, "you could not be involved in both managing an artist's career and in producing work for that artist. In fact," he says, "even today, there are strict regulations as to how you can be involved in the management of your client's career and in producing work." But that is exactly what Rotenberg and his partners wanted to do.



HOLLYWOOD SUCCESS: Michael Rotenberg '81

Speaking from his office in Beverly Hills, Rotenberg explains: "Traditionally, things have been set up legally to benefit the talent agent and not the personal manager," Rotenberg explains. "We have had to work around that."

And have they ever. 3 Arts Entertainment was one of the first such firms in Hollywood to take this double-pronged approach—the personal management production company—and it has become one of the most successful.

Relaxed and modest, Rotenberg casually mentions that his management firm/production company has produced shows such as *The Office* and *King of the Hill*, along with *Austin Powers: The Spy Who Shagged Me*, *The Matrix*, *Office Space*, and *I Am Legend*.

And because Rotenberg produces and manages, his firm also handles the careers of Keanu Reeves, Chris Rock, and Howie Mandel—even the non-musical aspects of Jon Bon Jovi's career. "We become their COO," he explains. "We handle a client's talent management and marketing and the sales that result. We co-ordinate their whole career and handle the overarching theme or brand they wish to create. We also handle things such as clothing and merchandising."

When a project is being created, the studio or network is the financier, and 3 Arts acts as the artist's management team, representing the client and assisting in getting that artist's vision on screen. With 15 managers on staff, 3 Arts maintains a close relationship with its clients.

Rotenberg got into entertainment law because, "if I was going to be working with widgets, I figured that working with people would be more fun. It was interesting," he recalls of his first exposures to the business under Robert Lantos of Alliance, with whom he did some tax work in Toronto after graduating from law school. "It wasn't dry."

Rotenberg enjoys "the variance of things that I deal with on a daily basis—producing TV shows and motion

pictures, representing actors, overseeing the creation of clothing lines. It is just like practising traditional law; you're simply in a different business," he says. "You're advocating on your client's behalf all the time."

Rotenberg is now enjoying the success of "Howie Do It" a new TV show starring Howie Mandel. "It is a hidden camera, hoax kind of thing," he explains. "The show is being shot in Canada. With Howie being Canadian, we wanted to make the show with Canadian talent." The rights have been purchased by NBC.

The project is a collaboration with a fellow Windsor Law grad Lonny Hall '80 who is working on the file from Toronto.

And the University of Windsor is where it all began for Rotenberg. "Windsor Law is a unique school, and it was a unique school when I attended it. We were the first or second class of the new admission process. What a great opportunity it was for us."

Rotenberg attended the '81 Reunion in the fall of 2006. "What a revelation!" he says. "You live side-by-side in such intimacy with these classmates for three years. They become closer than your family. It is a difficult time in your life, you're grown up but not quite, and here, 25 years later—most of these people I had not seen since graduation—and right away I knew who they were. It was crazy. It was like looking in the mirror. It was fascinating. I loved the University of Windsor."



# Case Analysis: Windsor Law Wine Escape

BY KAREN MOMOTIUK '96

We analyzed the subtle comparisons of various elements of the case. We held discussions of the interplay between important components. We even reached a general consensus after some heated debate, and some strongly-held dissenting opinions.

Notably, there was nothing being litigated by this group of Windsor Law alumni. The cases being analyzed were a 2006 Dry Reisling, a 2002 Cabernet Sauvignon and a sublime 2002 Vidal Icewine.

Even if James Scarfone '73, Justice Harrison Arrell '74 and Dean Bruce Elman will never be convinced that icewine trumps an old world Amarone, the first annual Windsor Law Wine Escape was a tremendous success. Our guest speaker, Greg Berti from the Vintner's Quality Association (VQA) and the vice-president of Andrew Peller Winery, gave us some fascinating insight regarding the award-winning wines grown in our own backyards, in Niagara-on-the-Lake. One thing is for sure – those who attended will never look at a twist-tie the same way again. Our group toured both Peller Estate Winery and Hillebrand, with structured tastings at each. By the time dinner was over, we came away well-educated about Ontario Wine and each other through our connection to Windsor Law.

The event's success was owed to our core committee, chaired by Raong Phalavong '05, James Scarfone '73, and Kerri Salata '05. We also wish to sincerely thank Ross and McBride LLP for their generous sponsorship.





CLASS IN SESSION

Exhibit D:

# Direct Evidence of Young Leadership

BY MICHELLYNE MANCINI



Keith Bird '97, at the Lang Michener, LLP Toronto office.

Keith Bird '97 is a lawyer—but teaching just might be in his blood. “My mother is a teacher; my father is a professor,” he explains. “In fact, my uncle is also a professor and my aunt a teacher; I’ve grown up around the teaching profession.” Bird, who was a captain in the Infantry Reserves from 1989 to 1998, taught during his time in the military. And prior to the course he now teaches at Windsor Law, he taught a course internally at Lang Michener, the downtown Toronto firm where he practises.

It is no surprise, then, that Bird has found such a great fit in teaching Windsor Law’s Patent course for the past four years now. “It was a natural progression for me,” he explains. “I started with a few students here at the firm, and then it progressed to university teaching.”

Bird explains that he gets a lot out of the teaching experience at Windsor Law: “After I teach, I find that I am more dynamic in my practice for several days thereafter,” he says. “It reminds me of how exciting it was to be a law student; the students’ enthusiasm is contagious! When you have to teach, that’s when you know you know your subject matter. It is one thing to practise, but to explain that theory to others is a different story—and then there are the students’ questions. It is an opportunity to become an expert on the particular aspects of your field.”

“Every time I teach I get questions from students that I have never received before; they are often from perspectives that I have never considered. If there are 30 students in the class, then there are 30 perspectives. As a result, I gain a truer, greater understanding of the law.”

Asked what he brings to the classroom as a practitioner, Bird explains that he is able to provide students with very concrete examples of what they are reading about. “Reading about a judgment that’s been written up is important, but so is learning about the interplay between the lawyers, the witnesses, and the arguments, as well as the motives leading up to a particular decision.”

“My ultimate goal,” says Bird, “is not just to have students pass the exam, but rather to help students become good patent lawyers in the long term. Most students will never practise patent law, but every lawyer should possess enough knowledge about patent law to know when to refer their client to a patent lawyer. Commercial and corporate lawyers, for example, may see situations involving patents quite often,” says Bird.

Jeff Hewitt '94 also finds the intellectual stimulation that comes from student questions in the classroom to be a positive thing. “You never know what a student is going to ask,” he says. The Windsor Law grad has been teaching courses in Civil Procedure and the Lawyering Process for six years now. “It is also great to have an ongoing connection and a continued relationship with Windsor Law. And I love having the university environment in my life,” he says.

“We cover what it’s like to be a practising lawyer today; what is firm culture, what it is like to run your own firm,” he explains. “I have been out of law school long enough that I am knowledgeable about these things, but I haven’t been out for so long that students cannot relate to me. And I am aware of technologies and ongoing changes in the profession.”

“My connection with the students is that we have a joint goal,” says Hewitt. “It is wonderful to be able to pass on the knowledge that I have gained in my practice.”

For Kaitlyn McCabe '94, teaching students is an “unspoken covenant. “Once I was called to the Bar, I realised that this was something I wanted to do. Someone did it for me, and I think that I have the responsibility to provide that same service to students.”

McCabe, who has been co-teaching Civil Trial Advocacy for years, says that she still learns something every time she teaches. Asked what she enjoys most about the process, she says that it is the “ebbs and flows of the students’ confidence, particularly in third year, and watching them develop and seeing them enjoy what is very challenging material and start to have fun with it.” McCabe brings experience as a family trial lawyer as well as duty counsel to the classroom. “I try to create an environment where students have to think on their feet and anticipate questions from the Bench,” she says.

McCabe also cherishes the opportunity to work alongside



From left: Jeff Hewitt '94, William Willis '04, Kileen Dagg Centurione '99.

Justice Douglas Phillips '74 of the Ontario Court of Justice, one of the instructors with whom she shares the teaching load. "It is a wonderful opportunity to listen to him and to see how he responds to students. I am being mentored by him in a way, and then I am also mentoring the students, so it is full circle." Adds McCabe, "I love feeling connected to the Law School. Dean Elman has taken great strides to reach out to alumni. When I was a student, I didn't have that connection to people in the community, but I am hoping to make that connection with these students. I look forward to running into them in their practices."

William Willis '04 made the decision early in his career to return to his native Windsor, leaving his practice at a mega firm in Toronto. And when he returned in 2006, Windsor Law was there to help him. "When I came back to Windsor, the Law School put me in touch with local firms; their help was invaluable." Shortly after his return, Willis began to teach Securities Regulations.

"The experience is completely positive for me," he says. "People are so appreciative—I am always being thanked. But sometimes I think I am getting more out of it than the students," says a modest Willis.

Asked what he likes best about his experience as an instructor, "the connection with the students and the connection with the Law School is something I value greatly," he says. "I feel a strong connection to Windsor Law that I wouldn't want to give up. Being able to give advice to students and being able to mentor them is a wonderful experience. Time commitment is not a problem, as long as the need is there, I will be happy to be involved."

As a student, Kileen Dagg Centurione '99, who has taught Alternative Dispute Resolutions, came to Windsor Law for a reason. "At the time, Windsor Law was the only Law School undertaking an ADR curriculum in earnest," she says. "I benefitted as a result of their curriculum; Windsor Law greatly facilitated my current career path," she notes. "When I examined their curriculum, I thought 'This is the place I want to be.'"

The next obvious step, says Dagg Centurione, was for me to come back and make a contribution to Windsor Law students. "I want to continue to share in the vision and excitement in this field, and doing so by teaching is a great way to do that."

A mediator and dispute resolution consultant, Kileen often finds what she calls "teachable moments" from her professional work to use in her teaching. "I often engage students in simulations, so that they can learn in real time what it means to be a mediator. This enables them to gain some experience in a less risky environment, before they are in front of a client." Dagg Centurione also puts her students in situations where they can receive one-on-one feedback from each other on their performances.

Asked what she enjoys most about teaching, Dagg Centurione says that is "enables me to engage with students at a period of time when they are discovering and honing their personal strengths and preferences for their future careers. I truly enjoy watching the shift that takes place, both as a group and individually, when a class goes from having a general interest in a topic to having genuine knowledge and competence in that area. I enjoy their successes."



# Exhibit E: Benchmarks

BY MICHELLYNE MANCINI

What's it like to get "the call?" How is the view from up there? And how does it all compare to life as a practising lawyer? We tracked down some of our latest appointees to the Bench to ask them about this life-altering career change.



"It is totally different from practice," says Justice Kim Carpenter-Gunn '81 of life as a judge on the Superior Court of Justice in Hamilton. "As a judge, you're dealing with one thing at a time, as opposed to multiple competing interests. However, within a given day, you will deal with many areas of the law: family law, shareholder agreements, liens—it is much more varied than practice."

When Justice Carpenter-Gunn got "the call," like all newly-appointed judges, she had to wrap up her practice in a jiffy. "The first week was very hectic," she recalls. "You need to have excellent support staff because you need to ensure that nothing falls through the cracks. Your clients' interests have to be protected, even though you can no

longer represent them, and you are in a time crunch."

"As a judge, you are constantly changing gears; you have to move your mind from one area of law to another. As a litigator, I would sometimes have cases that would extend for five or six years, but as a judge, you sometimes have a matter of minutes in the courtroom. As a result, there is a lot of reading, very interesting reading. I'm in the office by about 7 a.m. every morning—I have come full circle from law school!" she reminisces. "It is a wonderful opportunity."



Justice Bruce Thomas '79 agrees. He was appointed from the Ontario Court of Justice to the Superior Court

in Windsor. Sitting on the bench, Justice Thomas notes that "every day is a new experience. It is invigorating. You are never done learning; you are never done reading. As a judge in the Superior Court, I am dealing with issues that I have not dealt with in a long time."

Asked whether it is difficult to be on the ball every day in such a demanding position, Justice Thomas said that "when we go in to work, it may be just another Thursday for us, but for the people who are involved in the cases we are passing judgment on, this could be one of the most important days of their lives. So if you are having a day where you don't quite feel up to par, you need to take your time and ensure that you are doing the job that needs to be done because people are deserving of your effort—you cannot impose your bad day on them."

Justice Thomas went on to mention that, "the bar in Windsor has been incredibly accepting of me. They have made the transition a lot easier than it could have been."

For Justice Larry Klein '78, appointed to the Ontario Court of Justice in Parry Sound, the move from lawyer to Judge has meant "more time to think—unlike in practice! The phone stops ringing; the e-mails slow down," he reflects. "I do not work on weekends as much,



although I do often travel on Sundays in order to be where I need to be for Monday morning,” he confesses. “I see my kids more.”

Asked what is the most difficult aspect of his job, Justice Klein noted that, “you are dealing with people’s lives everyday. You lose sleep—and you should lose sleep. You should be aware of the weight of your decisions at all times.”

And how does this judge know he has reached the right decision? “I go by the Golden Rule,” he says. “Early on, I needed a touchstone when I walked into the court room. One of my more experienced colleagues mentioned this. And this has worked well for me. I treat others as I would like to be treated. Sometimes, the decision will just come to me, and I know it is the right one: the other day, I awoke at 5:30 a.m. and I wrote for an hour and a half.”

Reflecting on his time at Windsor Law, Justice Klein noted that, “going to Windsor Law was a valuable experience. I was part of the generation of the new admission process. Dr. Ron Ianni was Dean, and he set a tone of casualness. He said, ‘you are going to learn, and you are going to have fun’, and we did.”



Justice Alfred O’Marra ’81 was appointed to the Superior Court of Justice in December, 2008. He deals mostly with criminal trials, which is his area of expertise. “Most new judges are assigned to areas of law where they have not necessarily practised as a lawyer. In cases such as mine, there is perhaps a less stressful introduction to judgeship because I am judging on matters where I have some familiarity.”

Justice O’Marra spent much of his career in the Appeal Crown Attorney’s Office. In the late ’80s he was seconded as Counsel to the Lieutenant Governor’s Review Board. He then headed back to prosecution, and specialized in homicides. Following that, in the late ’90s, he became Counsel in the Chief Coroner’s Office, where he headed up a number of inquests and was Chairman of the Domestic Violence Death Review Board.

Asked how this judgeship fits in to his career as a whole, Justice O’Marra feels that “it is really a continuation of the work I have been doing and it reflects my reason for going to law school. My motivation has always been to serve the community, and I have always wanted to do trial work. I went to Windsor Law, and so I have had that opportunity.”



“Being a judge is very different from being a lawyer,” comments Justice Carole Curtis ’76, who was appointed to the Ontario Court of Justice in Toronto. “The transition is a life changing experience. Being a lawyer was a large part of my identity, as was being self-employed. I ran my own practice for 30 years,” she admits. “As a lawyer, you are so excited during a trial. Your adrenaline is pumping; you are high,” she says. “You are not at all high as a judge. It can be exhausting paying such close attention to everything and constantly listening. But I am still totally thrilled!” she exclaimed. “I underestimated the adjustment,” she says, referring the change. “You know, many people would not make this type of career change in their lives after 30 years in practice because they would be afraid. Well, it’s okay to be afraid.”

As far as the looming courtroom experience, the now-Justice wasn’t fazed when the time came. “I was an adjudicator for 17 years, so the courtroom didn’t scare me. What I was more concerned about was procedure—what can I say ‘yes’ to, what do I have to say ‘no’ to.”

As for where she was when she got the call, “I was on the Blues Cruise in the Caribbean. The Attorney General

tracked me down. I would think that making these calls must be one of the most fun parts of his job—if I were Justice Minister, I would want to make those calls, too!”



“It is the steepest and fastest learning curve I’ve ever experienced—but it is absolutely wonderful,” says Justice Kimberley Arthur-Leung ’88 of her appointment to the Provincial Court of British Columbia in Surrey, BC. “In a matter of days, I wound up my 20-year-old law practice,” she says of the hectic time she experienced last spring.

“My role is constantly changing,” she says on life as a judge. “I handle family law, criminal law, small claims—it could be any number of things on a given day.”

Of the prestige that comes with a judgeship, Arthur-Leung reflects, somewhat light-heartedly, that “when you have teenagers, you are very grounded regarding the power you may or may not possess—your children will always remind you.” Arthur-Leung is raising her children on her own these days, since the passing of her husband, Arden Leung ’87, in 2006 at the age of 42.

Never one to shy away from a challenge, Arthur-Leung was very busy prior to her judicial appointment, juggling her law practice with her fundraising efforts in support of her husband’s illness. She successfully raised

\$6.5 million in just four years for the Delta Hospital Foundation in Delta, BC.

Being a judge is “something that I always wanted to do,” says Justice Arthur-Leung. “I am very fortunate.”



According to Justice Cory Gilmore ’92, becoming a judge is a “significant, life-changing transition.”

“It is something you can’t really prepare for,” she says. The recent appointee to the Ontario Superior Court of Justice reflects that part of this transition is how one is treated differently as a judge: “I walk down the hall and someone will say ‘Your Honour’, and it often takes me a moment to realize they’re talking to me.”

Justice Gilmore reflected on the differences between being a judge and being a practising lawyer. “There is definitely a different role in the courtroom; I am now the listener, which is a change. Also, when I was in practice, I was very certain about what I was doing. I was experienced and I knew what to do. But now I am starting over in this new profession. But each day that goes by, I am more comfortable with it.”

“The other judges have been fabulous. It has been a real privilege to have them as my colleagues.”

## ALUMNI ON THE BENCH

Peter Hockin ’71  
 Steven Rogin ’71  
 Brian Stead ’71  
 Bruce Frazer ’72  
 John Kukurin ’72  
 Robert MacKenzie ’72  
 Gregory Pockele ’72  
 Guy DeMarco ’73  
 Peter Hambly ’73  
 Michael O’Dea ’73  
 David Stone ’73  
 Peter Adams ’74  
 Harrison Arrell ’74  
 Ian McMillan ’74  
 Mary Anne Sanderson ’74  
 Richard Thompson ’74  
 Eleanore Cronk ’75  
 John Desotti ’75  
 Michael Epstein ’75  
 Roger Gallaway ’75  
 Donna McGillis ’75  
 Stephen O’Neill ’75  
 Douglas Phillips ’75  
 Joan Allin ’76  
 Carole Curtis ’76  
 Stephen Fuerth ’76  
 Bruce MacPhee ’76  
 David McNab ’76  
 William Rodgers ’76  
 Rommel Masse ’76  
 Ralph Carr ’77  
 Judith Gedye ’77  
 David Harris ’77  
 Jane Kerrigan Brownridge ’77  
 Salvatore Merenda ’77  
 Robert Scott ’77  
 Silija Seppi ’77  
 Sharman Sharkey Bondy ’77  
 Bernd Zabel ’77  
 Dino DiGiuseppe ’78  
 Lawrence Klein ’78  
 Micheline Rawlins ’78  
 Fern Weinper ’78  
 Lesley Baldwin ’79  
 Nancy Kastner ’79  
 Edward Koke ’79  
 Theresa Maddalena ’79  
 Bruce Thomas ’79  
 Joseph Fragomeni ’80  
 Susanne Goodman ’80  
 Carolyn Horkins ’80  
 Rick Libman ’80  
 Cheryl Robertson ’80  
 Ramona Wildman ’80  
 Kim Carpenter-Gunn ’81  
 Drew Gunsolus ’81  
 Mary Jo Nolan ’81  
 Alfred O’Marra ’81  
 Jane Caspers ’82  
 Paul Currie ’82  
 Lorna-Lee Snowie ’82  
 Jane Milanetti ’83  
 J.A. Tory Colvin ’83  
 Beth Allen ’84  
 John Skowronski ’84  
 Edward Ducharme ’85  
 Kimberley Arthur-Leung ’88  
 Geoffrey Gaul ’88  
 Gregory Campbell ’89  
 Lloyd Dean ’90  
 Cory Gilmore ’92



# Exhibit F: Looking Back, Thanking Forward

ED RATUSHNY, C.M., Q.C., S.J.D.  
Barreau and Solicitor  
Law Professor

Feb. 27/09

Dear Bruce

I received your invitation to the Celebration of the First class and am terribly disappointed that I can't make it. I retired from teaching in January and we will be in the last day of our vacation to Italy.

I started teaching at Windsor in 1970 so that was the year that this class graduated. It was during my first three years of teaching at Windsor that I decided that this would be my professional career. I am most indebted to the Windsor Law School, my Colleagues here and especially the students.

That was a very special time when the profs, many of the profs, like me, were not much older than the students and we often dropped into parties at their homes. I played on the students' intramural football team, pick-up hockey and, of course, many pleasant hours at Sid's. The first three Deans: Tarnopolsky, Ianni and McLaren, were outstanding lawyers but also extremely sensitive, inclusive and down-to-earth people. Please pass on my best regards to John.

If the opportunity presents itself, please mention to the students my regret at being unable to attend and my hope that there will be a similar Celebration of the First graduating class in a couple of years.

All the best



We would not be able to hold as many successful events as we do without the tireless commitment from our alumni and friends. Windsor Law would like to thank the following individuals for all their efforts on our behalf this year. Special thanks go out to the members of our anniversary reunion committees, our 40th Anniversary Gala committees, our convocation speakers, the coordinators of our Windsor Law Wine Escape, and the professional staff at the University of Detroit Mercy.

David Amyot '00  
Mike Bates  
Greg Berti  
David Bertschi '83  
Ted Betts '95  
Nadia Bhatti '02  
James Branoff '82  
Elizabeth Brown '03  
Kai Brown '05  
Gregory Campbell '89  
Tom Carey '77  
Rod Catford '89  
Phil Chandler '89  
Sarah Crossley '97  
Justin de Vries '91  
Anna DeCia Gualtieri '01  
Patricia Deguire  
Annette Demers '98  
Denise Dwyer '89  
Sean Grayson '01  
Dennis Gerrard  
Mark Gordon  
John Hall '81  
Zane Handysides '02  
Mark Hartman '02  
Adrian Hartog '82  
Marissa Hatt  
Bill Haust '82  
Jennifer Henderson  
Denise Hickey  
Peter Hrstovec '82  
Ginger Hrtanek  
Ian Hull '88

Danny Katzman '83  
Kristen Kerr  
Alwin Kong '04  
Peter Kryworuk '82  
Amy Lavoie '03  
Edward Lewin '83  
Peter Lillico '77  
Brian Mazer  
Jane Milanetti '83  
Peter Neubauer '73  
Rob Nicholson '77  
David Palumbo '05  
Raong Phalavong '06  
Harry Poch '77  
Ryan Richardson '94  
Nicole Riggs '99  
Kevin Ross '82  
Sean Sadler '87  
Kerri Salata '05  
Mary Ann Sanderson '74  
Jim Scarfone '73  
Adam Segal '99  
Tom Serafimovski '88  
Katherine Simon  
Amy Smith  
Felicia Smith '82  
Debbie Squillaro  
Jeff Strype '77  
Louise Summerhill '88  
Jennifer Suzor '86  
Sandy Thomas  
Trudy White '83

◀ We received this letter from former Professor Ed Ratushny Q.C., as our alumni dinner in Toronto approached. His reflections were worthy of sharing with you, and are reprinted with his kind permission.

# Closing Submissions



I brought Nulli with me on vacation to Italy.

## DEAR ALUMNI AND FRIENDS:

As we close our 40th Anniversary Celebrations, it is only fitting that our alumni magazine commemorates the festivities. Our events are always an incredible way to reconnect our alumni with the law school, and to learn how it has shaped the legal landscape for 40 years. Our cover subject, Justice Jane Kerrigan Brownridge from the Class of 1977, has

been involved since her graduation, celebrating her 30th anniversary with us last fall. She was a natural for our cover – she’s a strong, seasoned practitioner and Judge, a long-term supporter of the school, and she never misses an alumni event. Thanks Jane for giving so much back!

We wanted to bring you a focus on other criminal law practitioners who always bring their own spin to an area of the law where advocacy meets fact, and passion for what you do is everything. You’ll learn something new about the development of their interest in criminal law.

Counterbalancing our senior lawyers with experience, we highlight younger alumni who have come back to the law school to teach. They bring a unique perspective given they have so recently been on the other side of the podium. In our article *Direct Evidence of Young Leadership*, you will understand our reputation for young, vibrant sessional instructors.

In *Benchmarks*, we expanded last years’ feature to include what our alumni experience when they get “the call.” Our new Judges’ perspectives will give you an understanding of that side of the dais. It is a very human insight into one of the most important jobs in the legal profession.

By a long shot, our busiest adventures have been in all the events we have been hosting, sponsoring and co-ordinating. We have seen a flurry of reunion activity, from our upcoming five year reunion for the Class of 2004, to 35 year reunions for the Class of 1973. The Alumni and Fund Development Office has hosted and assisted with over 23 different events since we last wrote you, and it has been fabulous getting to know the dynamics of the classes, the geographical factors of where people practice, as well as a

renewed focus on our younger classes in our new “Young Alumni Initiative.” Our continued growth has been tiring at times, but mostly provided an energizing sense of progress.

In providing an alumni relationship that is meaningful, we still wrestle with the best way to operate. We want to provide you with a magazine that works for our readers, and we always want to hear from you. Do you alumni want e-magazines, or do you still like the paper copy? Do we need more social events, or should we host more fundraisers? How should we continue to attract vital support for student financial aid, especially in light of a dollar-for-dollar matching program through the Ontario Trust for Student Support (OTSS)? Most importantly as we move past our 40th anniversary, how are we going to meet and beat the economic and other challenges Windsor Law faces?

One of the highlights of my year was surprising. As every over-50 voice belted out the chorus of *I’m Henry the 8th I am* (sung by former Dean John McLaren) in the middle of the very “proper” Rosewater Supper Club, it was obvious – this was a Windsor Law party! It was obvious on Neil Gold’s face, in hearing Justice Mary Anne Sanderson’s singing, in the recognitive smiles of alumni remembering the Volvo in the pit, their late nights at the Bridge, and the connection we all have to this Law School. We may branch out and leave, but a little part of every alum will always be connected to Windsor.

Windsor Law ends its 40th year at the same time as I begin mine. I can not wait to see what the year ahead brings!

KAREN MOMOTIUKE ’96

EDITOR

## Alumni Cruise to Bermuda

August 8 - 15, 2010

[www.cruiseholidays.com/lawrencepark](http://www.cruiseholidays.com/lawrencepark)



Richard Stock of Catalyst Legal will speak on Strategic Initiatives for Today’s Legal Practice.

The cruise will earn CLE credits.

Co-ordinated by Peter Neubauer ’73 and his wife Dianne.

[info@lawrenceparkcruises.com](mailto:info@lawrenceparkcruises.com)

# World Appeal

**Nulli Secundus** is travelling the globe! In inviting alumni and friends to bring *Nulli* around the world on their vacations, we were amazed at the appeal this challenge held for our grads. *Nulli* has officially vacationed in Providenciales in the Turks and Caicos Islands, with John Barker '74, in Paris, France with Anne-Marie Tymec '96, and in Athens, Greece with Vishva Ramlall '99. It took a business trip to L'viv, Ukraine with Walter Krawchuk '09. *Nulli* has mountain-climbed Walter's Wiggle in Zion National Park, Utah with Raong Phalavong '05. **windsor law now** ran three marathons in Paris, France, London, England and Boston, Massachusetts with Bill Haust '82. A fundraising conference brought *Nulli* to the French Quarter in New Orleans, Louisiana. *Nulli* has even cruised down the Grand Canal with former President Ross Paul in Venice, Italy. It gives a new meaning to the phrase Bon Voyage!

**Where has your Nulli been? Send along your photos for our next issue to [nulli@uwindsor.ca](mailto:nulli@uwindsor.ca)**



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