

BEYOND THE CLASSROOM

WINDSOR UNIVERSITY LAW ALUMNI SOCIAL JUSTICE FELLOWSHIP REPORT

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Windsor to B.C., law student to environmental advocate; this summer's experience was about reaching all points in between. My fellowship placement with Sierra Legal Defence Fund (SLDF)¹ in Vancouver started as a roaring challenge and ended on a note of sweet satisfaction, all to the backdrop of a range of emotions.

Launched in 1990, SLDF is a national organization with fourteen staff lawyers spread throughout Vancouver, Yellowknife, Toronto, and Ottawa. SLDF is a non-profit, charitable organization funded by donations and foundational grants. The cornerstone of the organization's work is scientific research and analysis, coordinated cooperative litigation and strategic legal counselling. As environmental advocates, not only does the organization represent environmentalists, but also labour groups, First Nations and citizens' organizations. Of the six staff lawyers at the Vancouver headquarters office, most have a specific area of specialized practice, ranging from water issues to SARA² to energy. A case of note during my fellowship was the Red Chris Mine³ litigation in June at the Federal Court.

SLDF is a perfect fusion of my past academic background of environment with that of my pursuit in the study of law. As a SLDF team member for almost three months I was provided with the opportunity to experience first hand what it would be like to work in the Canadian non-corporate environmental legal arena.

¹ As of September 2007 the firm's name, Sierra Legal Defence Fund, will change to Ecojustice Canada. For the purpose of this report I will refer to the firm as Sierra Legal Defence Fund or SLDF.

² Species At Risk Act, S.C. 2002, c. 29 [SARA].

³ *Miningwatch Canada v. Minister of Fisheries, Minister of Natural Resources, Attorney General of Canada, Red Chris Development Company Ltd., & BCMetals Corporation*.

Reflection

Reflecting back to October 2006, when I applied for the fellowship, my initial and sole goal was to gain Canadian legal experience. I have achieved this beyond my expectations, because not only did I have the opportunity to traverse the TransCanada from Ontario to British Columbia, work in one of the most beautiful cities in Canada and with SLDF staff who represented every province and territory in the country, my work dealt with Canadian environmental legal issues as well as international issues from a Canadian perspective.

As one of three summer law students in the Vancouver office, I was fortunate to be placed under the direction and guidance of Randy Christensen, the staff lawyer whose expertise is water and international water issues, two areas I am largely interested in. However, I did get a chance to work with the majority of lawyers in the office on smaller, daylong projects that added diversity to my work and learning. Fresh in the office, two weeks after Law I finals, my first task was to complete a table of authorities for a subdivision case that had to be submitted 9am the next day. It was the urgency of the situation and shock that it had become my responsibility, triggered my memory of all I had learned in Legal Research & Writing which enabled me to completed the task. But more than build on the theory I learned in Law I, my summer work experience went beyond the classroom walls and taught me practical daily tools and skills for working in an office. For example, self-discipline was a continuing lesson as there was nobody monitoring the time I arrived at the office in the morning or left at night, nobody managed how many hours I worked during the day or what I worked on and how I did it; it was all left to my own initiative. There was no single format that the different staff lawyers worked within, so many of the minor research tasks were learnt along the way.

When one asked for a backgrounder and another would ask for a snapshot, all I could think of was memo and factum – but I learned, because I asked questions to discover what the lawyers wanted but never clearly expressed.

Evaluation of Host Organization

Working in a relatively small organization was daunting because of the established family-like atmosphere, hard-core environmentalism and definite east coast meets west coast culture clash. I expected a suit and tie, 9-5, hold your tongue, hierarchical setting, when in reality everybody wore shorts, t-shirts and flip-flops, staff came and went at all hours, speaking out was encouraged and the only boss was the ‘hands off’ type Executive Director. It was great to be surrounded by lawyers who were impassioned by the bigger picture of their work, but at times I felt left out being bogged down with multiple research projects with no clear end result. However, I was fortunate to be more or less assigned to a lawyer that worked on topics of my interest. Overall the experience built up my confidence as an employable student but at the same time made me realize there is still so much for me to learn.

Given that the organization is relatively small in size; it has an even smaller legal supervisory capacity for mentoring. With almost a five to one ratio of cases to lawyers in the office and one legal assistant there was never time for anything, let alone the summer students. It is interesting to note that this is one of the reasons the Vancouver office has discontinued its articling program, as it is unfair to incoming articling student not to get the level of training they require. There were several issues and challenges I faced:

- No formal training on how to field calls, use the phone system, how to disable the office alarm, how to find material from past cases in the computer system and storage room.

- I was continually moving offices, and depending who was on leave, never guaranteed a computer that had full access to all the programs I needed to operate on.
- Different office facilities were constantly in repair, compounded by the lack of office communication caused many delays in project completion.
- Probably the biggest challenge was the lack of remote access to my SLDF email account. When moving offices or working from the library or home I was never able to use my email account and thus was never fully able to keep up with developments in the office.
- A larger organizational challenge is office communication among team members as well as between staff and management; this is demonstrated by the fact that during the summer the Vancouver office petitioned to become unionized. The communication issue for me was, never knowing whom the right person to ask was and when to ask my questions. Needless to say it was frustrating at times.
- Another larger issue that I faced and have encountered continually through my involvement within the environmental movement is the pervasive blindsighted white culture. At SLDF I was the only minority in an office of 18 staff and students. So it was inevitable that at some points I felt like an outsider, especially when the majority of staff didn't know how to pronounce my name let alone what my name was. It was also frustrating to witness such a great organization trying to build its donation base yet completely ignoring minority cultures (aside from rich Asians); with a seemingly little desire to change the status quo.

Regardless of the numerous challenges I faced at SLDF, they did not overshadow but added to my tremendous learning experience. I think more than anything, adapting well to an environment in the face of obstacles has given me confidence in my ability to persevere.

Moreover, my supervising lawyer Randy was a solid role model, a lawyer to aspire to be like. He is the quite, reserved type, who gets the work done and maintains a cutting edge perspective. What impressed me the most about him was his depth of knowledge on a range of topics, including legal administrative and procedural workings in multiple jurisdictions. I appreciated the fact he was direct in his requests, always gave feedback and pointers for where to start my research. However, I would to have liked more of mentor but realistically realize not too many lawyers have the time and energy to invest in a first year summer student who will only be with the organization for 3 months.

Weekly Description of Key Projects

Week 1 May 14-18

- Compiled a Table of Authorities for a subdivision case
- Researched and prepared a B.C. biofuels snapshot
- Researched and prepared EU Water Directive backgrounder
- Completed secondary research question on EU Water Directive
- Researched and prepared Australian water law backgrounder

Week 2 May 22-25 (May 21st Victoria holiday)

- Researched and prepared Canadian comparative out of basin water transfer backgrounder
- Participated in a moot court practice session for a staff lawyer who is arguing a case before the Federal Court at the end of the month
- Participated in biweekly staff meeting

Week 3 May 28- June 1

- Researched and prepared Food and Drug Act backgrounder
- Researched and prepared Section 91 support document for an amendment to the FDA
- Updated previous weeks reports

Week 4 June 4-8

- Drafted an opinion editorial on B.C. biofuels
- Participated in biweekly staff meeting

Week 5 June 11-15

- Researched and prepared Great Lakes Agreement & IBWT comparison
- Prepared Ontario Water Transfer Amendment update
- Prepared interbasin transfer prohibition probe
- Witnessed articling student (Ryan Fritch's) taking of oath for call day ceremony

Week 6 June 18-22

- Climate change and hydrology research at law courts library
- Participated in the in-house media training workshop
- Participated in biweekly staff meeting

June 25 – 29 I was away in Ottawa for the ICRC in conjunction with Ottawa University Law faculty International Humanitarian Law summer course

Week 7 July 3-6

- Researched on the Alcan Kemano Completion Project

Week 8 July 9-13

- Researched on the Alcan Kemano Completion Project
- Researched and prepared Access to Information Act backgrounder
- Handled a few NCI calls

Week 9 July 16-20

- Participated in biweekly staff meeting
- Continued climate change research

Week 10 July 23-27

- Drafted a retainer letter
- Prepared a backgrounder on the requirements of notice of service in Alberta
- Assembled previous case law
- Assembled Shell Canada's applications before the AEUB

Suggestions for the Future

A few recommendations for future Fellows:

- Provide previous Fellow's reports and research papers for guidance. This was promised to us back in December and was not made available until after my fellowship was completed (Aug07).
- One-on-one meetings with previous Fellows would have helped to provide a deeper insight into their experiences to help prepare current Fellows for their placements. This meeting needs to be more than just a panel discussion at the beginning of the application process. I think the key to a successful fellowship placement is being as prepared as possible, and to this can be achieved by feedback and suggestions from previous Fellows.
- More money would always help, even if it were in the way of a Law II tuition contribution.