

NEXUS

UNB LAW ALUMNI MAGAZINE



MICHAEL MARIN
APPOINTED DEAN OF UNB LAW

CONTENTS



25 *A conversation with family lawyer Ann Gushurst*

07

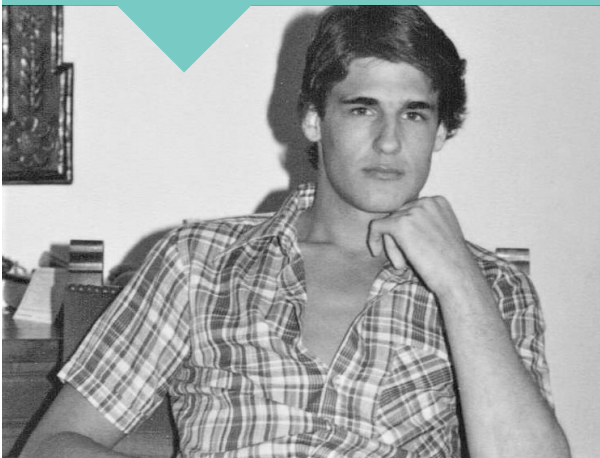
Maria Panezi

Explores Indigenous procurement

13

Scholarship Spotlight

Stephen R. Smith Scholarship



- 02** *Dean's message*
- 04** *PBSC UNB continues to promote access to justice*
- 10** *58th Harrison Shield goes virtual*
- 15** *Transnational corporations & climate governance*
- 19** *Delivering some certainty during uncertain times*
- 21** *Bridging the gap between the cybersecurity & legal worlds*
- 23** *Alumni updates*
- 25** *A conversation with family lawyer Ann Gushurst*
- 29** *The Arthurs Report and the legacy of Ed Veitch*
- 33** *In Memoriam*
- 35** *Celebrating excellence & recognizing generosity*

Dean's Message



A handwritten signature in black ink, appearing to read 'Michael Marin'.

Michael Marin
Dean & Associate Professor

Our future is bright. Let's get to work.

In July of 2015, my wife, Jane Thomson, and I were out for a walk near Golf Club Road in Fredericton with our daughter Ruth. We were visiting my mother-in-law as we did several times a year. Jane's family is from Newcastle, New Brunswick, and she graduated from Fredericton High School. Although I grew up in Montreal, I left at age 17 to attend Acadia University and have always felt at home in the Maritimes.

At the time of this summer visit, I was a faculty member at the University of Ottawa and Jane was teaching there part-time, while practicing family and estates law. "Let's email the dean and see if UNB Law is hiring this year," I said to Jane. She was surprised by my suggestion. Jane hadn't really contemplated moving back home. That night I emailed then Dean John Williamson; he responded almost immediately, inviting us to meet him the next day. This was a good sign...

A year later, Jane and I joined the Faculty together. It has turned out to be one of the best decisions of our personal and professional lives. We are incredibly fortunate. Of course, being in the same city as our family and lifelong friends was a welcome change. But it has been so inspiring to be part of the renewal of this remarkable Law School, which has an enviable history of excellence and achievement. Many people forget that just twenty years ago, UNB Law was ranked second in the country behind only the University of Toronto.

When Jane and I started at the Faculty, we had a sense that it was ready to reclaim its place at the top of Canadian legal education. That's because, before our arrival, the Faculty had hired several promising new professors and retained its most prominent and experienced ones. We thought that this combination of new energy and institutional wisdom would soon result in significant progress. After four years, I'm delighted to say our hunch was right.

Every member of our Faculty, from the newest to the longest-serving, is united in a common vision. Last November, this vision was formalized into a Strategic Plan—a blueprint for UNB Law's revitalization. It sets a bold and ambitious agenda, one that the University's Senate and Board of Governors unanimously endorsed.

I am incredibly honoured and excited to have been chosen to lead the implementation of our Strategic Plan over the next five years. This will be my mission as your new Dean. Thanks to the

devotion of our alumni, students, faculty, and staff, UNB Law's future is bright. We have recommitted to the values that helped our Faculty emerge as a top national law school in the 1990s—small class sizes, a professionally relevant curriculum, research that makes a difference, personal attention to students, and a collegial learning and working environment.

At the same time, we have recognized that the world has changed in the last two decades, and to regain our standing, we need to innovate in key areas. Specifically, we need to update our aging building, not just to meet the requirements of 21st-century legal education and the expectations of today's students, but also to project our sense of pride as an institution with great aspirations. We need to embrace experiential learning as an extension of our "career-ready" ethos, develop a unique graduate program, and diversify our curriculum. We need to be at the forefront of addressing societal challenges by promoting excellence in research, using technology to share our contributions with the world, and becoming a partner in the administration of justice. And we need to do all of this while becoming more accessible to students from all backgrounds.

These broad objectives, which are the result of over a year of study and consultation, are designed to position UNB Law as a top-five national law school in the next decade. This isn't just a dream. It can and it will come true. Indeed, despite the disruption and distraction of the pandemic, meaningful progress toward these goals is already happening.

In October, we reached a \$120,000 partnership agreement with the University to fund our Legal Clinic as a three-year pilot project. This will allow us to hire a staff lawyer and dedicate office space for students to help provide legal representation to those who cannot afford it. The new UNB Legal Clinic will fill significant gaps in the Province's legal aid system—in areas like housing, social benefits, employment, and human rights—and offer students invaluable practical experience. We also finalized a partnership with WorkSafeNB and the Department of Post-Secondary Education Training and Labour to offer a new administrative tribunal internship. Through this internship, our students will support all parties before the Workers' Compensation Appeals Tribunal (WCAT). We consider this to be a first step toward our vision of a Legal Observatory, through which the Law School will host proceedings of all kinds, allowing students and faculty to watch, reflect upon, and participate in the administration of justice.

In November, our Faculty Council approved a plan to make important upgrades to our facilities, including a renovated student lounge with a full kitchen, new flooring, ceiling, and lighting, improved cabinetry, lounge and dining spaces, and modern furniture. After so much time away from UNB Law, we want to welcome our students back with a special space just for them. In the same vein, we will be replacing the painful wooden chairs in rooms 14 and 15 with comfortable ones, ensuring that the return to in-person learning is as pleasant as possible. The renovation will also feature modifications to the front entrance, making it wheelchair accessible.

As a Law School known for personal attention to students, it's fitting that this first phase of upgrades will focus on them. These building improvements will also help UNB Law continue to attract the best students from across Canada, allowing us to offer facilities that are comparable to other law schools. Of course, this project has a cost and we hope that we can count on the support of our alumni to make it a reality.

Our recent initiatives also include an alumni mentorship program, through which we match graduates with current UNB Law students living in the same city. This program was initially meant for our first-year students, but it quickly expanded to upper-year students due to the large number of alumni volunteers. In addition, we launched a podcast featuring discussions with the outstanding people who are part of our community. In this edition of Nexus, you can read some of my interview with the first guest on the UNB Law Podcast, Ann Gushurst (LLB '94).

Another recent success was the Hon. William Henry Harrison Moot Court Competition, which we held virtually this year. As you will read in this issue, the online format allowed us to attract a full panel of real judges, one from every level of court—the Court of Queen's Bench, the Court of Appeal, and the Supreme Court of Canada. The Competition was broadcast live and watched by over a hundred people from across the country.

In the following pages, you will read more stories that foreshadow UNB Law's bright future. Our professors are tackling society's biggest challenges, our students are excelling locally and nationally, and our alumni are leading at every turn. We are small and we are mighty. There is no goal too big for us to achieve. Let's get to work.



continues to promote access to justice

The COVID-19 pandemic has not slowed down the UNB Law chapter of Pro Bono Students Canada (PBSC). For the 2020/2021 school year, 42 law students have secured placements on 20 projects with community partners such as Canadian National Institute for the Blind, Canadian Civil Liberties Association, PEI Fisherman's Association, Dyslexia Canada, NB SPCA, NB Nature Trust, and Gignoo Transition house.

Third-year student Abbey Smith is the Project Coordinator for PBSC at UNB. Nexus sat down with Abbey to discuss her role with PBSC and what the year holds for the UNB chapter.

Can you describe your role as PBSC project coordinator?

My job is to create pro bono legal projects with local partners, monitor the projects throughout the year, and troubleshoot any issues that may arise. One of my major responsibilities is to match the students to the placements. Throughout the summer, I network with local partners and work with them to develop projects for the students to complete—this allows me to understand what it is they are looking for in their students. Based on their

requirements and the students' interest, I pair all the placements. I also work with national partners, train students on how to do research, and educate the student body on what PBSC is and what the core values of PBSC are.

What do these student placements look like?

We send students out to placements for the full year where they work 3-5 hours every week, gaining hands-on learning experience. Our partners, who all have the aim of increasing access to justice, get the opportunity to expand their mandate and essentially are getting free legal work through the students. It is a collaborative partnership through which the organizations and the students benefit.

What new projects does PBCS have planned for this year?

One of the new projects we have this year is a partnership with the Capital Region Mental Health and Addictions Association (CRMHAA). They have a student intern who is working to establish a mental health court here in Fredericton, based on the model in Saint John.

“We send students out to placements for the full year where they work 3-5 hours every week, gaining hands-on learning experience.”

This student will be working closely with the CRMHAA's advocacy subcommittee, lawyers, and the Fredericton judiciary to bring this model to the Fredericton courts. Mental Health Courts can result in improved outcomes for those experiencing mental health issues when compared to traditional streams of justice by diverting these individuals to treatment instead of incarceration.

Another new partnership is with the New Brunswick African Association (NBAA). We are working with them in two roles. The first is to do a privacy seminar with new immigrants to Canada. We will explain Canadian privacy laws and how they relate to creating and managing an online presence for things like banking, social media, online shopping. We are also working with the NBAA on a research project to expand its mandate to include international students. Given the COVID-19 pandemic, international students are in a situation much in flux. We are working with the NBAA to find ways that they can support these students, educating them on their rights, their best choices moving forward, and ensuring that they get support and feel connected to their community.

Are there any ongoing projects which have been around for a few years?

Yes, two of our other big projects, the wills project and ID clinic, have been around for a few years. The Wills project is in its third year and is run in partnership with Stewart McKelvey. Essentially, the students provide wills for those who are unable to obtain those legal services for themselves. Normally, the students seek out the clients, however this year, the hospital's palliative care unit reached out to us and we created a partnership with them. They have a lot of individuals looking for wills but cannot afford full legal services. Our students are paired with clients with whom they meet to discuss what a will is and go over any items the client would like to see in their will. The students draft a will and power of attorney, which is then reviewed by Stewart McKelvey. The students provide the client with the will, walk the client



through it, and are there for the signing of the will. For a lot of our students this their first taste of actual legal services.

The Trans ID clinic is a partnership with Imprint, an organization that focuses primarily on LGBTQ2S+ youth, but also provides services to the LGBTQ2S+ community at large. Our students provide legal information to clients requiring a name change or a gender change marker on their official documentation. Students help clients fill out the paperwork with lawyers available to help with any questions. This partnership is in its second year and supervised by lawyers from McInnes Cooper.

How has the COVID-19 pandemic changed the way PBSC operates?

COVID-19 forced us to reimagine how PBSC works. Almost all of our work is done in person, onsite—this is no longer possible. Many of our students did not return to Fredericton this school year. We needed to find a way to involve them in programming and allow them to do it from across the country. Fortunately, we have really great community partners who are flexible and dedicated. We were able to continue the placements virtually.

Part of our strategy this year was not to focus on replicating the onsite experience but finding new opportunities afforded by moving online. This thinking



was especially helpful for the Trans ID clinic. By moving the clinic online, we were able to broadly expand our client base. We are now able to serve the entire Atlantic region. As the only ID clinic on the east coast, we are very excited at the prospect of helping our broader Atlantic community.

The pandemic also forced us to improve our marketing and communications. As a small law school, we relied on word-of-mouth advertising for recruitment, poster campaigns, and students sharing their stories with friends. This year we have created social media accounts (@PBSCUNB on Twitter, Instagram and Facebook) and a new website to allow students to share their experience, promote our work, and recruit new partners.

How does participation in PBSC help students in their future careers?

PBSC prepares law students for practice by offering the chance to develop practical skills, such as communicating with clients and drafting documents, that are not taught in most law classes. In many cases, our partner organizations hire students for summer and articling positions, so working as a pro bono student provides the opportunity to develop a working relationship with potential employers.

How can students become involved with PBSC?

PBSC recruits from August into September, with the program officially launching the second week of September. For those interested in joining PBSC next year, I would recommend familiarizing yourself with the

“PBSC prepares law students for practice by offering the chance to develop practical skills, such as communicating with clients and drafting documents, that are not taught in most law classes.”

projects and the requirements and use that information to help tailor your resume. Specifically, PBSC looks for experience with access to justice initiatives and other volunteer work. There are so many amazing ways to get involved in leadership and access to justice programs at UNB, experience in any one of these roles can help show the PBSC coordinator that you are dedicated to the local legal community and able to balance law school with outside responsibilities.

I am also always happy to chat with anyone looking to get involved! So, feel free to reach out with questions by email (probono@unb.ca).

Do you have any final thoughts you would like to share?

This year has been challenging in new and unforeseen ways, and PBSC at UNB would like to thank everyone from the Law Foundation of NB, UNB Law, our national partners, and the national team for their incredible support and flexibility in adapting our 2020-2021 program. We would also like to thank our partners and student volunteers for all the impactful work they do and their ongoing dedication to improving access to justice within Atlantic Canada.

About PBSC

PBSC was founded in 1996 at U of T with the UNB Law chapter opening in 1999. The mission has always been providing access to justice within the local community. Across the country there are chapters in 22 of the 23 law schools.

For a full list of UNB Law's pro bono projects and more information on our PBSC chapter, please visit their website (unbprobono.ca).

MARIA PANEZI

EXPLORES INDIGENOUS PROCUREMENT

Professor Maria Panezi recently contributed a book chapter to Borrows and Schwartz', [Indigenous People and International Trade: Building Equitable & Inclusive Trade and Investment Agreements](#). The publication "explores the emergence of Indigenous peoples' participation in international trade and investment, as well as how it is shaping legal instruments in environment and trade, intellectual property and traditional knowledge."

Maria's chapter, [The Complex Landscape of Indigenous Procurement](#), examines governmental social procurement programs designed to assist and empower Indigenous businesses and service providers. Social procurement programs are generally designed with the mandate of correcting past injustices, the fulfillment of treaty obligations, and working towards the advancement of economic equity. Other examples of social procurement include preferences for war veterans, immigrants and women. According to Panezi, while countries with Indigenous populations such as Canada, the United States, Australia, and New Zealand have developed robust Indigenous procurement agreements/programs, these programs are works-in-progress and must be continuously updated and reevaluated to ensure they are delivering their intended outcomes.

Her research on the topic began in 2018. At the time, Canada, the US and Mexico were in the

process of renegotiating NAFTA and many countries were beginning discussions on "green procurement" and ensuring carbon neutrality of new government projects.

"I was looking at the 'trade and chapters,'" said Panezi. "Trade and environment, trade and gender, trade and labour—these new types of rules are called 'next-generation, progressive or inclusive trade provisions.' So, all these new agreements in Canada and the EU included these types of provisions that approach trade differently: emphasis shifted from the traditional barriers towards a progressive and inclusive trade agenda."

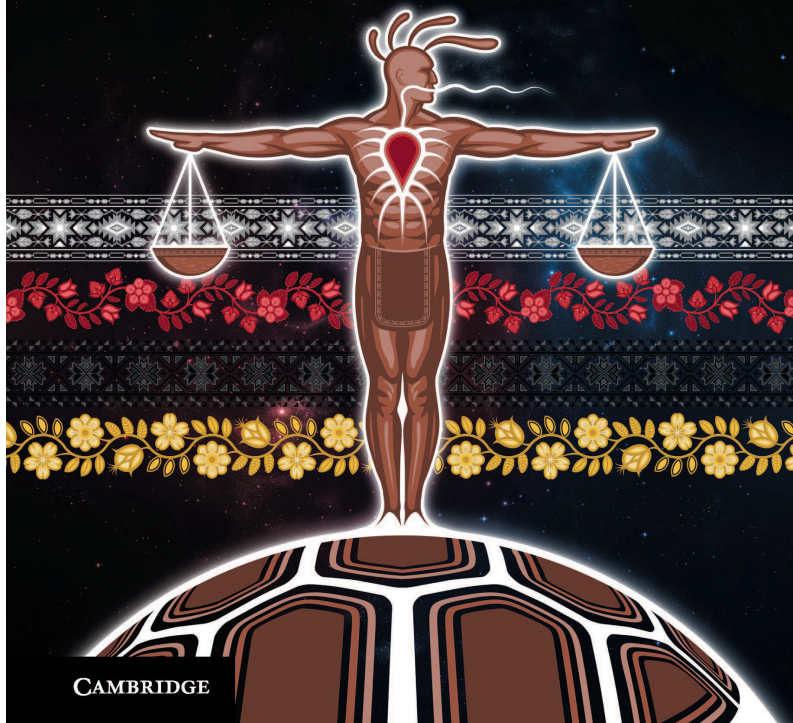
Prof. Panezi notes recurring themes that governments are struggling to address through trade, such as climate change and gender inclusion. One theme that started to become more prevalent was the benefits from international trade agreements for Indigenous people—how are they included in negotiations, how they can benefit, and what kind of interests are at stake.

According to Panezi, historically—since the 2000s and before—there have been clauses that Canada has negotiated for Indigenous

Indigenous Peoples and International Trade

Building Equitable and Inclusive International Trade and Investment Agreements

Edited by John Borrows and Risa Schwartz



Book Cover Art

Conversation with the great mystery is an evolution in my depiction of Nanabush Standing rooted to Turtle Island; He is praying to the Creator - The Great Mystery - for guidance. The varied floral and angular designs behind him represent trade with the diverse races and nations of the world. We are at a crossroads in our history, with technology enabling us to engage with people around the world. It opens up many avenues of economic, cultural and social exchange. The question, as always, is about finding a balance. I believe that with a firm base of knowledge and experience in our own native cultures and spiritually, we will inherently possess the tools necessary to navigate the choices before us.

- Adrian Nadjiwon

“Procurement is everywhere around us—schools, bridges—it is a multi-billion-dollar sector. There is a lot of money and a lot of opportunities to assist under-served social groups. Canada has created, in the books, a very interesting, very progressive, and enabling system of Indigenous procurement compared to the US, Australia, and New Zealand. However, it seems from the numbers I am seeing that the implementation doesn’t have quite the effect that the American equivalent does or that of New Zealand.”

The American equivalent is the *Small Business Act, Section 8*, which has been referred to by commentators as “Super 8” due to its effect during the procurement process. Native Americans have been benefiting from bidding in various kinds of government contracts. It is seemingly a very successful platform, enabling the economic empowerment of Native Americans in the procurement process. Panezi has not seen the same kind of success in Canada.

“I have not seen anything like that for Canada. The percentages of participation in Indigenous procurement in Canada do not match the percentage of the Indigenous population. In a socially inclusive policy, you should aspire for those numbers match up, at the very least. The legislation is there. International agreements already have the carve-outs. The government has spent the capital to negotiate the agreements and design progressive laws, while

people in international procurement regimes. A key example is the Government Procurement Agreement (GPA) in the World Trade Organization.” In the procurement chapters and agreements, participating member states open up their procurement to foreign companies. A company from France, the US, or Australia can, if it qualifies under the GPA threshold (which depends on the value of the project), try to bid and be awarded a contract with the Canadian government for goods or services. When a country opens up a sector to foreign bidders, that country has to honor its commitment. However, in the same agreements there exist clauses, carve-outs for Indigenous businesses and bidders. Under these carve-outs, the government can deviate from its main obligations to benefit Indigenous peoples and support their economic empowerment.

“Put simply, these clauses allow Canada full flexibility when it comes to Indigenous participation in procurement—even sole sourcing. The rules, threshold and requirements that otherwise apply, can be cast aside if procurement involves Indigenous businesses and bidders.”



people are not benefiting from this as one would imagine. We need to determine why—and address it.”

For Panezi, the questions that need to be answered are: How effective is the communication policy regarding these procurement practices? How robust are provincial mechanisms? How efficient are the offices that exist to help Indigenous peoples get assistance in the procurement process? What are the systemic and less obvious barriers that prevent this legislation from achieving its full effect?

“Critical infrastructure is the important issue—the lack of educational opportunities, the lack of entrepreneurial opportunities, the lack of access to microloans for Indigenous SMSEs, and perhaps other flexible forms of financing. These are the economic barriers in a larger sense.”

Prof. Panezi sees the lack of high-speed internet in many Indigenous communities as another major barrier in the successful implementation of Indigenous procurement strategies.

“With the restrictions of COVID-19, so much is happening online. For example, let’s say an information session that the Government of Canada is organizing for SMSEs will take place virtually. If I am an Indigenous business owner or person who wants to participate but does not have access to high-speed internet, I will not be able to learn about these opportunities. COVID-relief programs for small businesses may include an online application process. Another COVID-related observation is that many provincial procurement policies that are linked to COVID relief, fail to include Indigenous preferences. Those hit the hardest are not explicitly addressed in the law. In the case of Indigenous procurement, active steps and provisions need to be adopted, it’s not enough to say ‘there will be a relief package for everyone that qualifies’ because not everyone is affected the same way and has the same resources to apply and bid for these opportunities.”

Panezi also sees a lack of mention of Indigenous procurement in many provincial programs. There is also a significant lack of reporting on how the federal and provincial authorities plan to reach their self-proclaimed targets of awarding government contracts to Indigenous SMSEs and individuals, when they do commit to assist Indigenous bidders. Learning and review mechanisms need to be included. There needs to be people on the ground monitoring and measuring the effects of this legislation.

Prof. Panezi does have hope for the future of Indigenous procurement. She sees this socially conscious trade practice as a pathway to providing aid to other underrepresented groups and areas of Canadian society—a learning tool for the government.

“Investing in making Indigenous procurement work is not only useful for the Indigenous people but it can benefit the administration of social policies overall. Finding pathways that lead to meaningful participation and the economic empowerment of one group can be used to put in place more similar programs. If the Indigenous Procurement law in Nunavut works, then New Brunswick can use the example, tailor it to the needs of the province and apply similar policies. Not to mention that once a government implements a viable, sustainable economic strategy that extends from the highest level, the trade agreements, all the way to provincial and municipal programs, these models can be transferred to better design other ‘trade and...’ chapters, gender, labour, environment. Economic equity will be achieved only through the process of removal of systemic economic barriers in different sectors of the economy, one by one.”



58th

HARRISON SHIELD GOES VIRTUAL

In mid-September, second-year students Aaron Connolly, Lucas Savini, Matthew Smith, and Alden Spencer competed in the 58th edition of The Hon. William Henry Harrison Moot Court Competition. This year's competition was unlike any other in the storied history of the moot. Due to COVID-19 restrictions, the moot was hosted through Zoom, with three mooters presenting virtually from the Mary Louise Lynch room at the law school, one presenting from Toronto, and a panel of judges joining remotely from across the country.

Counsel for the appellant (Savini and Spencer) and counsel for the respondent (Connolly and Smith) engaged with a legal problem based on the 2020 SCC case of *Uber Technologies Inc. v. Heller*. *Heller* examines the arbitration agreement between Uber and its drivers who subscribe to Uber's ride or delivery-origination software. Mr. Heller entered into a standard form contract with Uber which included an arbitration clause requiring any legal issues to be

resolved by arbitration in the Netherlands. The case examines the question of unconscionability of the arbitration clause.

All four students gave exceptional performances, arguing their positions in front of an all-star panel of judges including of Chief Justice of the Court of Queen's Bench, The Hon. Tracey DeWare (LLB '94), The Hon. Justice Kathleen Quigg (LLB '89) of the New Brunswick Court of Appeal, and The Hon. Thomas Cromwell, former Justice of the Supreme Court of Canada. After lengthy deliberation, the 2020 Harrison Shield was awarded Alden Spencer and Lucas Savini for their outstanding oral advocacy skills.

"I am very humbled to have received this award, especially with Lucas—it really rounded out our mooting experience together," said Spencer. "Looking at the Shield with all the great people

on it, it's an honour to be listed amongst them. It's something I will hold with pride for the rest of my life!"

The panel of judges was very impressed with the preparedness of the mooters and the quality of their advocacy.

"The mooters presented their arguments with determination while maintaining a respectful attitude toward the court," said Justice Cromwell. "I was much encouraged about the future of our profession as a result of having the chance to see these young lawyers in action."

Justice Quigg, for whom this was her third time participating in the Harrison, echoes Justice Cromwell's thoughts, adding, "all four students were quick on their feet with their responses. I cannot imagine mooting before a former Supreme Court of Canada Justice in my second year of law school! All students were calm, measured in their presentations, as well as their responses."

For respondent Aaron Connolly, it was a great learning experience to navigate difficult questions from the panel.

"We were provided with an opportunity to get a true sense of what is expected during appellate level litigation. I learned that most of the allotted speaking time is spent answering questions. In the future, I will spend less time formulating a scripted submission and will instead focus more on anticipating questions and formulating answers to these questions that get directly to the key determining issue(s) in the given case."

Adapting to a virtual courtroom

Savini enjoyed the virtual experience and felt the solution worked.

"I found it natural. If anything, mooting virtually is easier, as you can ensure the environment is void of distractions. In interacting with the judges, I now have a much better understanding of how demanding advocacy is in appellate level courts. It was a great opportunity to learn how judges at the highest levels of the profession think."

For Smith, the most difficult aspect of the virtual moot was losing some ability to read the body language of the panel.

"It was more difficult to get the cues from the bench that guide you. In-person, it's easier to see how a judge is reacting—if they're writing anything, if

they look like they disagree or agree with you, or if they're bored. If you're astute to this, you can adjust your argument, tone, or speed to sway their reactions."

Justice Quigg sees the importance of law students learning to adapt to virtual platforms in place of physical courtrooms.

"When COVID-19 hit our province, everyone had to adapt quickly as restrictions were put in place respecting access to the courthouses. In our Court, most motions and appeals proceeded by telephone if the parties agreed to do so. Luckily most did. Later, in June, before the Atlantic Bubble, we had lawyers from outside of the province who participated by video. I certainly can foresee today's law students participating in the court process virtually in the future."

While Justice Cromwell does not consider the virtual solution a substitute for the personal interaction of in-person oral argument, he does foresee a shift in thinking regarding virtual courtrooms.

"I expect that our experience borne of necessity will change the way we think about conducting hearings long after the dangers of COVID-19 are passed. The time and expense of travel can be major considerations in favour of greater use of virtual platforms, not to mention the convenience of being able to participate from the convenience of one's office without having to transport a lot of materials, etc. Given that the virtual platform doesn't require a physical setting, it also allows for greater flexibility of scheduling."

"Today's law students have the benefit of developing their skills of virtual advocacy in real-time," adds Chief Justice DeWare. "as this becomes not simply an exceptional event, but rather a daily occurrence."

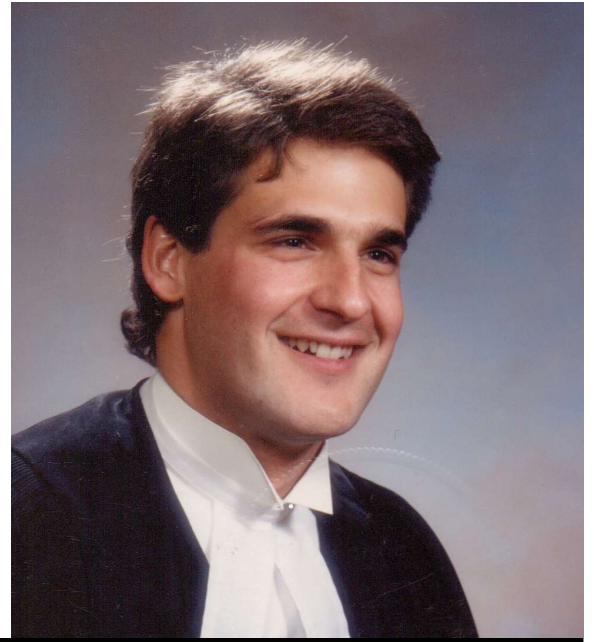
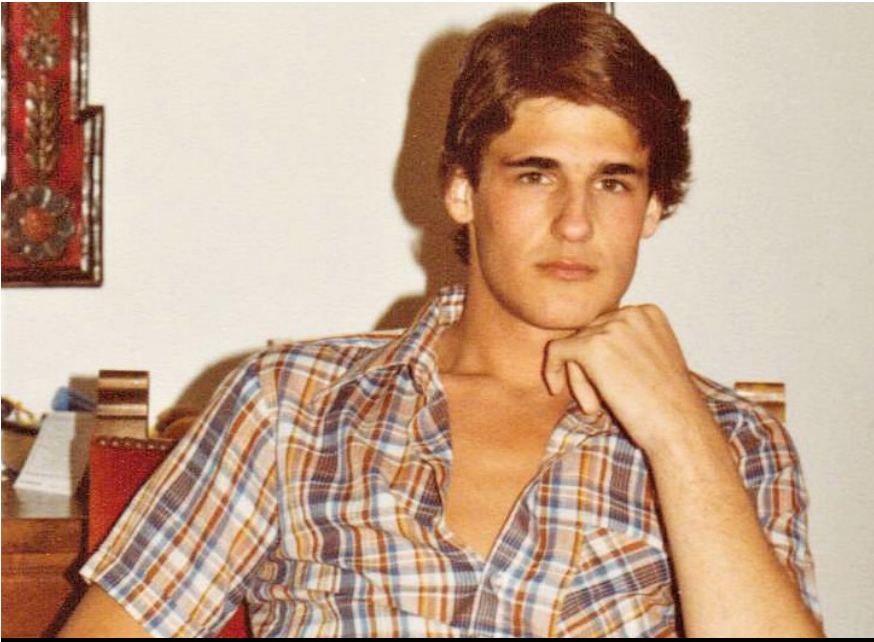
Congratulations to all participants, and thanks to Professor Basil Alexander and Maya Hamou for their tireless work in preparing these students for the competition. We also thank Professors Kerri Froc and Jane Thomson, co-chairs of the Moot Committee, for their hard work in organizing the 58th edition of the Harrison Moot, as well as our judges for helping deliver an unparalleled learning experience during a difficult time. We are also grateful for the assistance of Ed Bowes, UNB Law's Public Engagement Officer, David Anderson, our Program Support Officer, and Kelsie Lockyer, our Technology Assistant.

Visit the UNB Law YouTube channel to view the moot in its entirety.



“I now have a much better understanding of how demanding advocacy is in appellate level courts. It was a great opportunity to learn how judges at the highest levels of the profession think.”
- Lucas Savini

Top: William Teed, QC and Michael Marin present the Harrison Shield to Alden Spencer and Lucas Savini. Middle left: Matthew Smith. Middle right: Aaron Connolly. Bottom left: Lucas Savini mooting remotely.



The Stephen R. Smith Scholarship

The Stephen R. Smith Scholarship was established to commemorate the life of Stephen Ronald Smith (LLB '86), who died tragically in a car accident on January 29, 1993.

Stephen was born in 1961 in Moncton, NB. He graduated from Saint John High School before enrolling at Dalhousie University. He was very smart, very social, and had lots of friends. During his time at Dal, Stephen was the don of his residence, Studley Hall. He enjoyed the challenge of trying to quell the more rebellious students at the residence—perhaps foreshadowing his future interest in criminal law and advocacy. He graduated from Dal with a Bachelor of Science in 1982.

In the back of his mind, Stephen always wanted to enter medicine, but after rejection from McGill's Medical School, he found his true calling, the law. He began his legal studies at UNB Law in 1983. Always one to support himself, Stephen spent his summers working for the City of Saint John. He completed his LLB in 1986, and upon graduation, served as an auxiliary constable for the RCMP—one of the many ways Stephen gave back to his community. He was admitted to the NB Bar in August of 1987, completing his articling with Brian Neill's law firm in Saint John. He eventually became an associate with Cox and Palmer Saint John, where he practised criminal law.

His father, William (Bill) Smith, recounts receiving 3 a.m. phone calls from the Saint John City jail from some of Stephen's "potential clients."

"We would get phone calls from some of the fellows in jail that were there overnight for 'safekeeping.' They were allowed to make a telephone call. Someone had written Stephen's number—our number—on the wall by the telephone. It read, 'this guy can help you!'. I would tell them to lay back down and not to say anything to anyone."

Stephen loved nature, the outdoors, and animals—especially his Labrador retriever Daisy. He was an avid bird hunter, and, with Daisy by his side, hunted geese, ducks and woodcock. He is remembered as compassionate, admired, and someone with the ability to connect with people from all walks of life.

After his passing, Stephen's parents, Bill and Joan (nee Sherwood) Smith, his many friends, and his colleagues came together to create a memorial scholarship in Stephen's name. They raised nearly \$180,000 to establish the generous award that provides \$10,000 towards the cost of the recipient's first year at UNB Law. Over the past 27 years, the Stephen R. Smith Scholarship has helped make the dreams of attending law school a reality for 28 deserving UNB Law students.

“If your outlook is to always try to look on the brighter side of life, as Joan and I believe, then we can see that a lot of good has come out of this tragedy. Since Stephen’s death, we have helped a lot of people and we are happy to do that. It’s not just us, it is all of the supporters, all of his friends, classmates, and fellow lawyers.”

Congratulations to the 2020 recipient of the Stephen R. Smith Scholarship

The 2020 recipient of the Stephen R. Smith Scholarship is Fredericton native Jake Bryden. Jake studied Civil Engineering Technology at NBCC Moncton before spending four years working across Canada as a construction surveyor on projects such as the Syncrude Base Mine, the Energy East Proposal, and the Fundy Trail Parkway. He returned to UNB in 2016 to obtain his Bachelor of Science in Environmental Management, majoring in water resource management. Jake’s decision to attend law school stemmed from his time in the field as a surveyor.

“I witnessed construction practices which resulted in both positive and negative environmental implications—this sparked my interest in the fight to ensure responsible and sustainable resource use. More specifically, I developed a passion for water resources. The topic fascinates me, from the protection of rivers, lakes, and oceans to ensuring everyone has access to clean drinking water.”

Jake also hopes to utilize his law degree to help those in his community.

“I also want to help the people who may have drawn some tough cards in their life. I want to utilize the degree in a way that allows me to help people get back on track. Law was really the perfect fit. I can simultaneously pursue my goals of environmental stewardship and community engagement.”

Jake is heavily involved in his community. He volunteers with Best Buddies, an organization devoted to providing meaningful friendships and guidance for individuals with intellectual and developmental disabilities. He is a member of the UNB Law Environmental Society as well as a Director-at-Large with the Sierra Club Canada, a grassroots foundation devoted to protecting, restoring, and enjoying healthy and safe ecosystems. When he’s not studying or volunteering, he goes on adventures in his 1975 Volkswagen Van with his friends and girlfriend Sandra. These adventures usually include canoeing, fishing, skiing, and mountain biking. He also makes regular



trips to his grandmother’s potato farm, and, his friend Allan MacDougall’s sustainable vegetable farm in Lincoln.

“My sincerest thank you to the Smiths and the other donors behind this scholarship. Your donations have had a profound impact on my law school experience—I can now focus on my studies without the added stress of student debt. I have extra time to continue volunteering in my community for the movements I am passionate about. I feel tremendously thankful and extremely blessed. I am excited to someday give back and help support students in their dreams of attending law school.”

UNB Law is grateful for the kindness and commitment of all our donors. We look forward to sharing more stories about our donors, their scholarships, and the recipients in future editions of Nexus.

Transnational corporations & climate governance



Professor Jason MacLean's latest paper, *Transnational Corporations and Climate Governance*, is set to be published this winter in the *Dalhousie Law Journal*. MacLean's paper comes on the heels of the five-year anniversary of the adoption of the United Nations Paris Agreement, which saw nearly every country commit to stabilizing the Earth's climate by holding global warming to well below two degrees Celsius above the pre-industrial norm. At the time, the Paris Agreement was hailed as historic and greeted

with much optimism. Now, just five years after its adoption, there is a growing concern in the scholarly literature and among climate activists that countries are not acting ambitiously enough to achieve these goals.

Academics and activists are therefore paying greater attention to the role of non-state actors—e.g., civil society groups, international organizations, and corporations—in reducing global greenhouse gas (GHG) emissions.

MacLean’s new paper critically examines the role that large and powerful transnational corporations (TNCs) in particular might play in closing the emissions-reduction gap left by countries, especially large industrial emitters.

“Global climate change is transnational by its very nature. You have these non-state actors that—through their logistics, supply chains, and operational reach—are also transnational. They are not States, but in some cases, they are as powerful, if not more powerful, than States. TNC’s have an enormous impact on our climate and are increasingly considered as both a cause of climate change and a necessary part of the solution to climate change.”

What role should TNCs play in mitigating climate change?

According to MacLean, the predominant approach in the literature is the idea of collaboration—climate activists, environmental non-governmental organizations (ENGOs), provinces, cities, countries, citizens, and researchers should partner with TNCs to catalyze climate action. This argument urging cooperative collaboration coincides with the emerging trend of large corporations being very public and vocal about their climate pledges. Companies like Amazon, Microsoft, Walmart, BlackRock, and many others are releasing their own climate plans. Similar to countries’ pledges under the Paris Agreement, these TNCs are making commitments to reach net zero carbon emissions by 2050 or earlier.

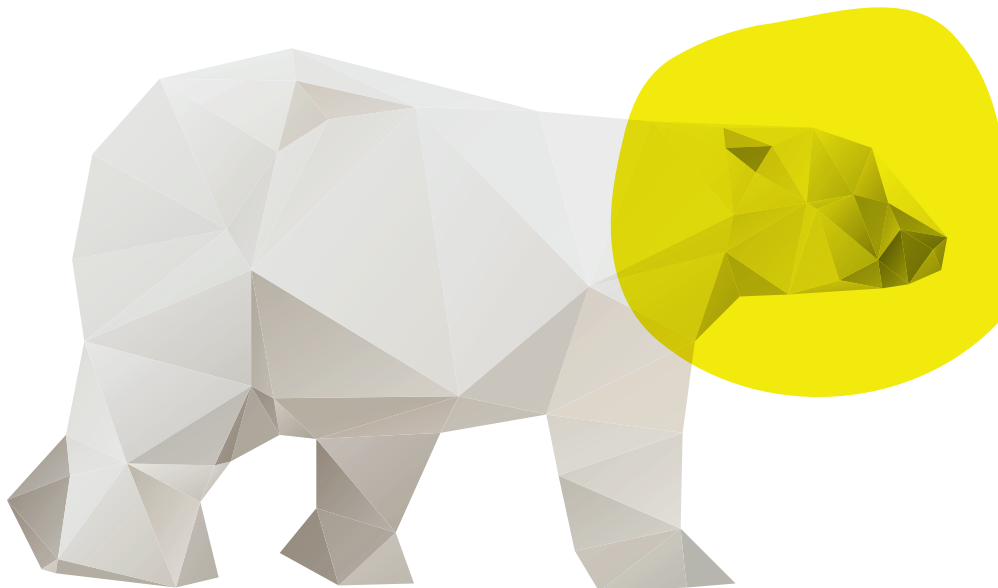
Some of these plans, if implemented, will certainly help matters. This, in turn, has encouraged a number of climate policy scholars to argue that non-state actors, and TNC’s in particular, can play a leading role in reducing GHG emissions.

MacLean views corporate climate commitments with skepticism but acknowledges their potential. Amazon.com’s GHG emissions in 2018, after all, were roughly equivalent to Norway’s. If Amazon can reduce its carbon footprint, it can make an important contribution to climate action, both by reducing its own emissions and by demonstrating how other large GHG emitters can transition towards greater sustainability.

“One group of researchers at MIT put this well. Because global climate change is a problem measured at the gigaton scale, we need to think about solutions that can be scaled up to the same level. At the moment, the actors best able to operate at that scale are TNCs—they have the greatest reach and power.”

At the same time, MacLean argues that climate policy scholars have to carefully scrutinize the fine print of corporate climate pledges to determine whether they line up with the level of ambition counseled by climate science.

MacLean’s paper dissects Amazon.com’s sustainability plan and climate pledge—a bold public commitment to become carbon neutral by the year 2040, ten years ahead of the Paris Agreement’s 2050 deadline.





“One group of researchers at MIT put this well. Because global climate change is a problem measured at the gigaton scale, we need to think about solutions that can be scaled up to the same level.”

“Everybody—countries and corporations alike—is falling all over themselves to make these commitments to be net-zero by 2050. But committing to specific targets by specific dates doesn’t magically get you any closer to accomplishing anything—if the Paris Agreement and the related UN Sustainable Development Goals (whose 2030 deadline will not be met) have taught us anything, it’s that setting deadlines alone accomplishes nothing. Targets and deadlines are not credible unless they are accompanied by detailed plans. Forget 2050. Climate change is an existential crisis. What are you going to do next month? Where are you going to do next year? The 2050 net-zero deadline is only useful if we set interim milestones and create real plans to meet them, beginning right now. Anything less is just the latest form of misleading greenwashing.”

MacLean argues that Amazon.com’s sustainability and climate pledge is a case in point. It is fundamentally flawed and misleading.

Amazon, like Microsoft and Google, has a very profitable cloud-computing division called Amazon Web Services (AWS). AWS, like these other companies, works very closely with the fossil fuel industry by using cloud computing technology to expedite the location and extraction of fossil fuels. According to MacLean, this is just one of the ways that Amazon’s climate pledge fails to live up to the policy implications of climate science. While Amazon’s pledge states that it will cut GHG emissions in certain parts of its operations, it does not account for the emissions that its business lines indirectly produce, including increased fossil fuel production as well as the emissions arising from the production and transport of non-Amazon-branded products shipped to and from Amazon’s distribution centres.

MacLean also highlights Amazon’s promise of a completely electrified fleet by 2030.

“On paper, that looks amazing. But the problem is that those fleet vehicles include only the vehicles—and in some cases drones—delivering packages to consumers’ doorsteps. Hence the name: “Amazon’s last-mile delivery fleet.” Amazon has no plan to electrify the rest of its fleet vehicles, let alone its extensive global supply chain.”

Along with a growing number of critical climate policy scholars, MacLean considers pledges like Amazon’s as the second wave of corporate greenwashing—conveying false or misleading information to satisfy customers who increasingly want to see corporations act more sustainably. These pledges also work to stave off more stringent government regulation, as regulators take these pledges at face value, and in some cases even point to them as evidence of progress on climate change.

MacLean’s paper proceeds by examining the advocacy of a group of Amazon employees—who call themselves “Amazon Employees for Climate Justice”—who have begun to launch protests and walk-outs demanding that the company act more ambitiously on climate change, including the promotion of climate justice for vulnerable communities.

“They are Amazon employees, so they know the company extremely well. They did some excellent critical work when Amazon launched its initial climate plan, questioning it and determining that it was not as ambitious as it sounded—this is very courageous, and it’s not just Amazon’s employees that are beginning to step up like this. We are beginning to see



more and more employees showing up to work at several large companies, including Google and Facebook, demanding that their employers begin to act more ethically, respect human rights, and act ambitiously on climate change.”

MacLean sees the potential for progress in these employee protests, highlighting a group of unionized Amazon employees in France who, at the beginning of the COVID-19 pandemic, successfully challenged their employer in court, demanding that Amazon suspend shipping all non-essential goods until it conducted a comprehensive health and safety audit of its distribution centres.

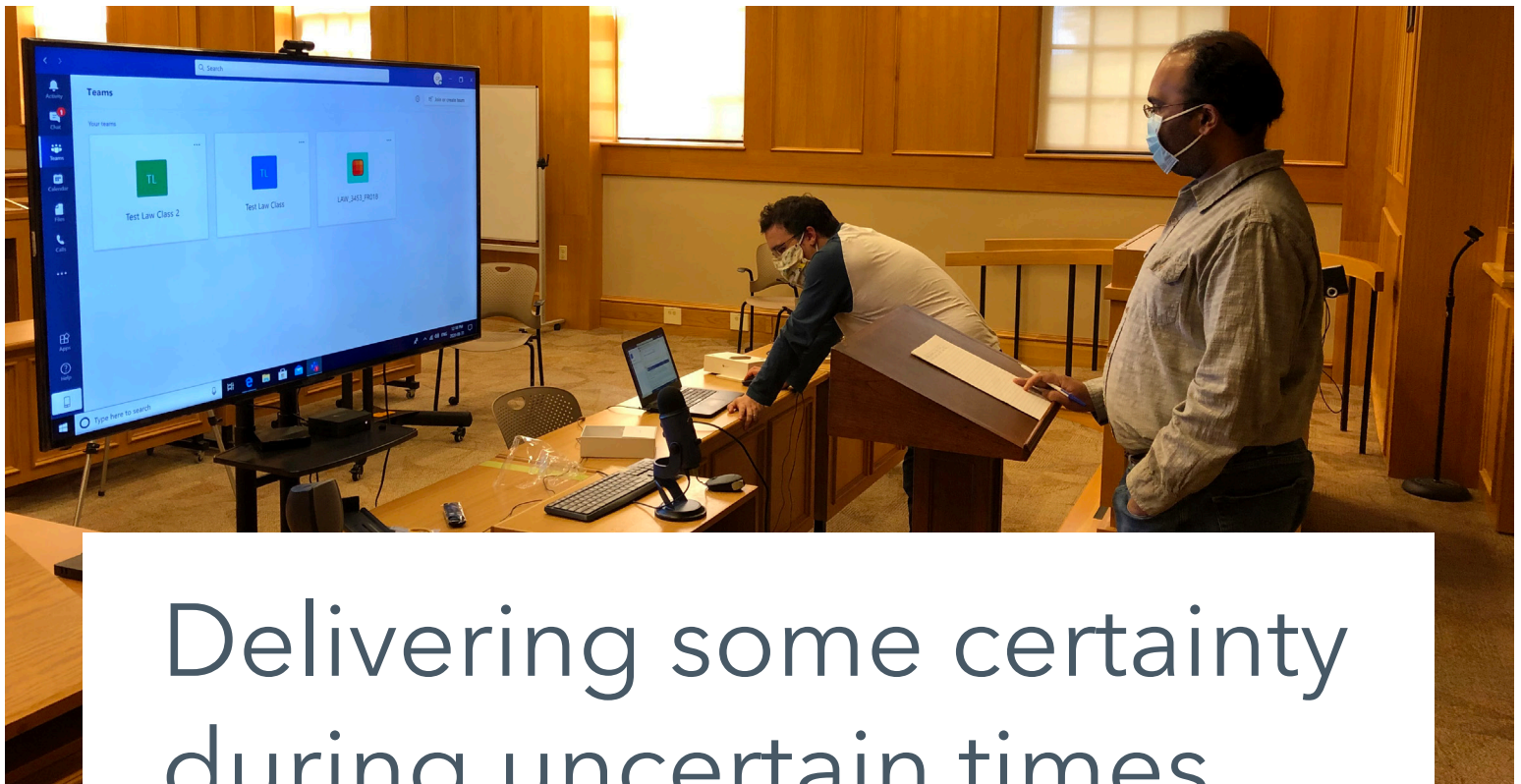
“We will continue to see these battles between corporations and their employees who are willing to risk their jobs to advocate for the public good. We should applaud their courage and follow their lead. I certainly intend to do so here at UNB.”

Ultimately, MacLean concludes that if TNCs are going to make a meaningful contribution to climate governance, they’re going to have to be forced to do so. The business model of TNCs—relentless growth premised on continual resource

extraction—is, by its very nature, ecologically and socially unsustainable. Rather than cooperative collaboration, it’s going to be a matter of conflict and coercion—at least in the initial stages. Groups like Amazon Employees for Climate Justice need to team up with other actors and regulators to even the scales against such large and powerful actors.

MacLean urges readers to avoid two common and counter-productive tendencies: (1) arguing that positive change is unlikely or even impossible, which breeds fatalism, and (2) uncritical cheerleading of corporate climate commitments, which breeds complacency—we don’t need to act, Amazon.com will save us!

“So, the question becomes, ‘what’s left in between uncritical cheerleading and hopeless fatalism?’ We need to think about the kinds of strategic conflict that climate advocates will have to engage in, with both TNCs and public regulators. Ultimately, climate change is too important to be left either to governments or TNCs. Citizens must band together to demand more ambitious climate action and justice. No one is coming to save us.”



Delivering some certainty during uncertain times

We are nearing the end of one of the strangest and most difficult fall semesters in our law school's history. Our faculty and staff have worked extremely hard preparing courses, reorganizing our facilities, and improving technology—all to ensure the UNB Law learning experience remains safe, positive, and academically challenging.

Moving all courses online

All Faculty of Law Fall 2020 and Winter 2021 courses are being delivered online through MS Teams and Zoom. Physical distancing and sanitation requirements vastly reduced the capacity of our building and its classrooms, to the point that it was simply not possible to offer courses in person.

"The law school's decision to offer a fully online academic year was communicated to students in early June to allow for ample planning," said dean Michael Marin. "We wanted to provide certainty to our students for the whole year, allowing them to make longer-term decisions on where they were going to live, work, and study from."

Delivering a virtual learning experience

The law school has made significant upgrades to classroom technology to ensure a high-quality online experience for both faculty members and

students. Three virtual classrooms have been set up, featuring 60-inch monitors, webcams, and microphones to ensure an interactive experience between professor and student. Professors and instructors who prefer to teach from offsite have updated equipment and software to deliver classes effectively and trouble-free. We have hired five additional TAs (teaching assistants) and one technology assistant. These student positions have been crucial in providing students the academic and technical support needed to study in these unusual circumstances.

While the infrastructure is in place, the shift to remote delivery has been the most challenging aspect of the pandemic. Our faculty, staff, and students continue to work together to navigate the steep learning curve of the virtual classroom. LSS President Colleen Roach recognizes the difficult nature of this shift to remote learning.

"Online learning is hard, especially when your professors are learning along the way. They are not used to teaching online, and they really want what is best for us and to help us prepare to enter the profession. There are some hurdles to overcome—professors are still learning what we need from them in terms of communication and how to adjust their courses and the time spent delivering them to ensure that students are not overburdened."

Ms. Roach has found a few positives in the virtual model.

“Some professors post the recordings of their lectures, so being able to slow down and rewind to catch all of the material has helped me succeed at my own pace. In addition, as a student who has always been too shy to speak up in class, it is great to have the alternative option in some courses to engage with the material and my classmates through discussion boards.”

Despite these silver linings, Ms. Roach affirms that there is no substitution for in-person courses and the ability to engage and connect that they offer. Students want to be back in the classroom as soon as possible.

Same services, new format

We continue to offer academic advising, career services, and access to professors. Students have access to these important services, both physically and remotely. There is also limited access to classrooms and other spaces in the law school for quiet study. Scheduling software is used to ensure these spaces conform to Public Health and University requirements.

The Gérard V. La Forest Law Library remains an important tool for our students with many resources having moved online. The library offers scanning services for articles and book chapters, which are sent directly to students. All course reserves are accessible electronically, and eBooks are made available as needed. Physical books are picked up by students through a curbside pick-up model. Research guidance is available through MS Teams.

UNB Law’s Atlantic Region On-Campus Interview process (OCIs) will proceed according to the normal timelines. Like most markets, we have decided to do interviews virtually, in order to protect the health and safety of students and employers participating in the recruitment process.

A flexible exam structure

All exams for the 2020/2021 academic year will be completed online and written in 24-hour windows. Once a student accesses their exam, they will have a set amount of time to complete it (in that 24-hour window) based on the individual professor’s requirements. This model will ensure that our students have the flexibility to write their exams during the most opportune time.

Creating a sense of community

UNB Law is known for being a close-knit community. Ensuring our students continue to forge strong bonds with classmates has been another challenging aspect of remote delivery—especially for our 1Ls. Incoming students have been put into local peer groups with classmates who are in the same geographical region. These groups (of about five students) meet physically and remotely to provide each other with guidance and support. First-year students have also been assigned a local UNB Law alumna or alumnus, who shares their law school experience, answers questions, and offers guidance and moral support. To date, over 70 alumni have been matched up with 1Ls.

“These relationships are so crucial to success in law school,” said Marin. “The opportunity to connect with someone who ‘survived’ and went on to a fulfilling career will be very inspirational for our new students at a particularly uncertain time for them.”

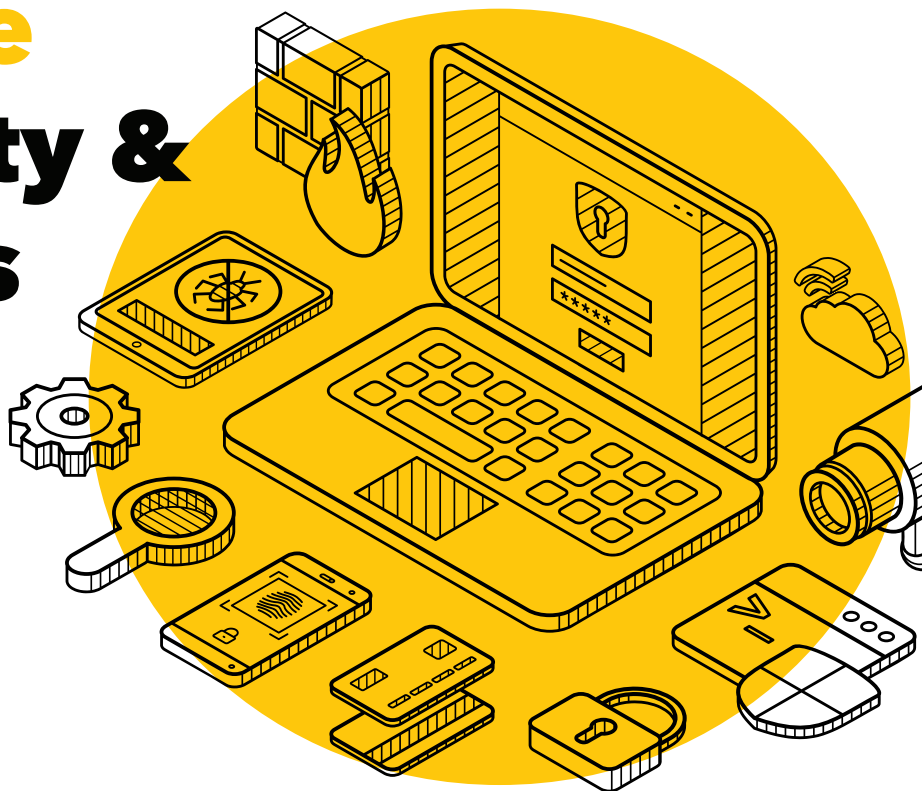
The Faculty has also launched the UNB Law Podcast featuring prominent alumni sharing stories of their time in law school, discussing their career path, and providing some inspiration for our 1Ls. You can read more about our first guest Ann Gushurst in this issue (p. 25) and visit unb.ca/lawpodcast to view all of our episodes.

“I can’t imagine what it’s like to start law school online,” said Ms. Roach. “The Faculty has really stepped up to create opportunities for 1Ls to study together and get acquainted with the rest of the law school community. The Faculty has organized virtual mixers for our 1Ls to meet upper-year students, has made events available virtually, and even started a podcast. It is clear that our Faculty is committed to making the law student experience the best it can be under the circumstances.”

Final thoughts

We know that this year has been—and will continue to be—a significant challenge for all of us. Our students have been incredibly patient and understanding as we iron out the wrinkles and continue to learn what works and what doesn’t. We remain committed to respecting accommodations and removing barriers for our students. We are working with all of our students to ensure their academic needs are met. This academic year will continue to be a true test of our mission as a law school. We are facing that challenge head-on.

Bridging the gap between the cybersecurity & legal worlds



Third-year student Melissa Lukings is collaborating with Dr. Arash Habibi Lashkari—Assistant Professor in the Faculty of Computer Science and Research Coordinator at the Canadian Institute for Cybersecurity (CIC)—on a series of articles on Canadian cybersecurity law for IT World Canada. The ten-part compilation, titled *Understanding Canadian Cybersecurity Laws*, is intended to help bridge the knowledge gap between the nuanced world of computer science, IT, and cybersecurity and the equally (but differently) nuanced world of law and legal education specific to Canada.

“Cybersecurity is such a rapidly developing area,” said Lukings, “most people in the cybersecurity field don’t come pre-equipped with that solid legal background and knowledge base to pull from. At the same time, the people in the legal world are working to interpret and apply laws to a content and medium that we are, for the most part, relatively unfamiliar with.”

Their goal for the article series is to translate the fundamental building blocks of Canadian cybersecurity-related laws into something that is equally accessible and educational for those working and researching in the legal world, the cybersecurity and IT field, in businesses and organizations, as well as for the general public.

In her first year of law school, Lukings attended the 2019 International Humanitarian Law Conference, which examined the interaction between cybersecurity and international humanitarian law. Dr. Habibi Lashkari was one of the panelists at the conference.

“I asked Dr. Habibi Lashkari a question relating to blockchain technology and it ended up sparking a really great conversation. I suppose he hadn’t expected to encounter those kinds of questions with a group of law students. I shared my own experience with cryptocurrency and data mining—we basically ‘nerded out’ on the

subject. So, we had this excellent conversation which helped to highlight some of the glaring knowledge gaps that exist between the cybersecurity and the legal worlds.”

According to Lukings, these mutual gaps in understanding made functionally combining the two academic worlds quite difficult.

“Having a background in law, following a BA in linguistics, didn’t provide me with the background, or even the terminology, to be able to apply the law to the complex nuances of the cybersecurity field. Similarly, Dr. Habibi Lashkari has a huge wealth of knowledge in cybersecurity and computer science but did not have the legal background or terminology to be able to identify the gaps in the law relating to cybersecurity or which needed extra legal attention to adequately apply to this growing field.”

The pair connected again over LinkedIn and Lukings accepted a research assistant position with Dr. Habibi Lashkari to produce a collection of articles for the collaborative series (generally one every six weeks) which is being released through IT World Canada and published online. They are already over half-way through their journey, having released seven articles through the IT World Canada blog.

Their first two articles, [The Foundations](#) and [Privacy and access to information, the Acts](#), break down the Canadian legal landscape, providing the basics of legislation, including specific statutes which apply to governmental bodies, and the Common Law.

"We started with the basics; how is Canadian law set up? What is criminal law? What is tort law? What is private information? What are the *Privacy* and *Access to Information* Acts? What is the idea behind regulating relationships, which Acts apply, and why?"

Their third article, [Privacy protection in the modern marketplace – PIPEDA](#), examines the *Personal Information Protection and Electronic Documents Act (PIPEDA)* and how it relates to government, businesses, and individuals. Lukings and Dr. Habibi Lashkari also discuss the real-world implications of PIPEDA concerning the evolving landscape of virtual meetings and online classes brought about by the COVID-19 pandemic.

Article 4, [Interpersonal Privacy and Cybercrime - Criminal Code of Canada](#), defines and discusses "cybercrime" under the labels of cyber-dependent crimes; cyber-enabled crimes; and computer-supported crimes. These crimes are then further subcategorized into specific offences including hacking, possession of "hacking tools," denial-of-service (DoS) attacks, distributed denial of service (DDoS) attacks, botnets, malware, phishing, identity theft and identity fraud, and criminal copyright infringement.

"Cybersecurity is such a rapidly developing area, most people in the cybersecurity field don't come pre-equipped with that solid legal background and knowledge base to pull from."



["Insert Something Clever Here" - Canada's Anti-Spam Legislation](#) spotlights Canada's Anti-Spam Legislation (CASL), first defining 'spam,' then exploring attacks such as remote code execution (RCE), remote access Trojan (RAT), and large-scale spamming botnet attacks. The article discusses consent requirements for commercial electronic messages, exemptions to CASL, and non-compliance.

The sixth article in the series, [Peer-to-Peer Privacy Protection – "Intrusion Upon Seclusion" and the Protection of Intimate Images](#), highlights the common law tort of intrusion upon seclusion and the relatively new criminal offences relating to cyberbullying and the sharing of intimate images. Lukings and Dr. Habibi Lashkari breakdown the landmark Ontario Court of Appeal case, *Jones v. Tsige* (2012 ONCA 32), which recognized the new tort, allowing victims of certain privacy breaches to have the right to sue in civil court for invasion of privacy, called "intrusion upon seclusion." They also discuss the implications of the recent law which criminalized the non-consensual distribution of

intimate images following two highly publicized Canadian suicides which occurred following cases of extreme cyberbullying.

The seventh article in the series, [Deep, Dark and undetectable — Canadian Jurisdictional Considerations in Global Encrypted Networks](#), explores the cross-jurisdictional nature of the Dark Web/Dark Net and the dual issues of encryption and anonymization, which make it virtually impossible to detect and trace illegal activities or transactions completed over the Dark Web/Dark Net. For the non-techies among us, this article also starts out by categorizing online content as being either "Surface," "Deep," or "Dark" content, outlines the TOR method of encryption, and explains the very fine, but highly important, distinction between the Dark Web and the Dark Net.

The pair will release the final three articles in the series by the end of the upcoming Winter semester and have plans to continue their work after this series is complete.

Visit itworldcanada.com/blog to read these fascinating and timely blog posts.

HERE IS WHAT SOME OF

Our Law Alumni

HAVE BEEN UP TO SINCE OUR LAST ISSUE

'77

DAVID LUTZ, QC (LLB) was chosen as the 2020 recipient of the Franklin O. Leger, QC Award. The award, presented by the Law Society of New Brunswick, recognizes outstanding meritorious service, dedication, or contribution in accordance with the highest ideals of the legal profession. Lutz is a partner with Lutz Longstaff Parish, where he has practiced criminal law, family law, and personal injury for 43 years. David has appeared at every level of court, serving as counsel in 40 homicide cases, over 100 Jury Trials as both Crown and Defence, and over 2000 Provincial Court Trials.

'85

BRIAN MURPHY, QC (LLB) has received the Order of Moncton for 2020—the City's highest honour, recognizing those who have made an outstanding contribution to the social, cultural, or economic well-being of the City. A former city councilor, mayor (1998-2004), member of parliament, and lawyer, Murphy played a major role in the transformation of the City, including the redevelopment of the former CN lands into a multi-sport complex, the building of Moncton's new water treatment facility, the renovation of the Moncton Market and the founding of the Atlantic Seafood Festival. His crowning achievement was unanimously declaring the City bilingual in 2002, the first city in Canada to do so. In addition to this impressive accolade, Murphy has recently joined the Rogerson Law Group as counsel.

'90

MICHAEL SHERRARD (LLB) was appointed chair of the Skilled Trades Panel for Ontario. As part of a five-person team, Sherrard will advise the Ontario Minister of Labour, Training and Skills Development on ways to modernize and improve the skilled trades and apprenticeship system. He is a founding member of the employment and labour law firm Sherrard Kuzz LLP. He is recognized as one of Canada's leading employment and labour lawyers by Chambers Global, Who's Who Legal, Legal 500, Best Lawyers, and Lexpert. Michael is the recipient

of a number of awards including the Construction Institute of Canada's Chancellor's Award of Excellence, University of New Brunswick Alumni Award of Distinction and USports Lester B. Pearson Award.

'91

LYDIA BUGDEN, QC (LLB) was recognized as one of the Top 50 CEOs in Atlantic Canada by Atlantic Business Magazine for 2020—marking her third year in a row receiving this honor. Lydia is CEO & Managing Partner of Stewart McKelvey in Halifax, NS. Lydia has been recognized as "Lawyer of the Year" by Best Lawyers in 2014 (Mergers & Acquisitions Law), 2017 (Corporate Law), 2018 (Banking and Finance Law), and 2019 (Corporate Law). A passionate supporter of her community, Lydia is a director of the Waterfront Development Corporation Limited, a board member of Develop Nova Scotia (2012 - 2020), and Chair, Board of Trustees, of the QEII Foundation. Lydia is the former Vice-Chair of the Foundation and is also President of the Dartmouth HaliFast Track & Field Association since 2017.

'97

DIANE ROWE (LLB) was sworn in as a Justice of the Supreme Court of Nova Scotia. Prior to this appointment, Rowe was a senior solicitor with the Nova Scotia Department of Justice, where she advised the Office of Aboriginal Affairs and the Made-in-Nova Scotia Process—the forum for the Mi'kmaq, Nova Scotia and Canada to resolve issues related to Mi'kmaq treaty rights, Aboriginal rights, including Aboriginal title, and Mi'kmaq governance. Her practice areas included Aboriginal, administrative, corporate commercial, natural resources, bankruptcy and insolvency, and construction law. Rowe has been an ally for many underrepresented groups, providing volunteer advocacy on behalf of Indigenous Peoples, refugee claimants, and the LGBTQ2 community

STEFANIE TUFF (LLB) was appointed Executive Director of The Newfoundland and Labrador Teachers' Association (NLTA)—the first woman to hold the position. Prior to this appointment, Tuff served as the Assistant Executive Director of NLTA, administering

the teacher collective agreements. In addition to her LLB, she holds BA and BEd degrees from Memorial University (1992), and a Certificate in Industrial Relations from Queen's University (2007). Before joining the NLTA, Tuff practiced law with the firm Curtis Dawe in St. John's.

'00

CORY ST. CROIX (LLB) was appointed Vice President, Legal, Commercial and Community for Alberta-based power developer, asset manager and producer, SWITCH Power Corporation. In this new role, St. Croix will serve as corporate secretary and be responsible for commercial and legal structuring, management of the commercial team, overseeing the origination of electricity service and power offtake contracts, and managing community engagement and initiatives pertaining to environmental, social, and corporate governance.

'03

MICHELLE KELLY (LLB) has won the 2020 Atlantic Excellence in Mentoring Award by the Advocate's Society for her outstanding commitment to mentoring advocates in Atlantic Canada. Kelly is a partner in the Halifax office of Cox & Palmer, where she practices in the area of complex commercial litigation and insurance defense. Michelle is currently chair of the Gender Equity Committee for the Nova Scotia Barristers Society. She is the recent past-chair of The Coalition of Provincial and Territorial Advisory Councils on the Status of Women consisting of advisory bodies from across the country working together to advance women's issues on a national level.

'05

JAMES CHARLTON (LLB) was named as the new chief clerk of the House of Assembly for Nova Scotia. Prior to this appointment, Charlton served as the chief legislative counsel for the Province of Alberta (since 2019) and as a legislative counsel in Nova Scotia from 2011 to 2018. In addition to an LLB, Charlton holds an advanced BSc (Economics) from Dalhousie University and a master of laws degree from the University of Toronto.

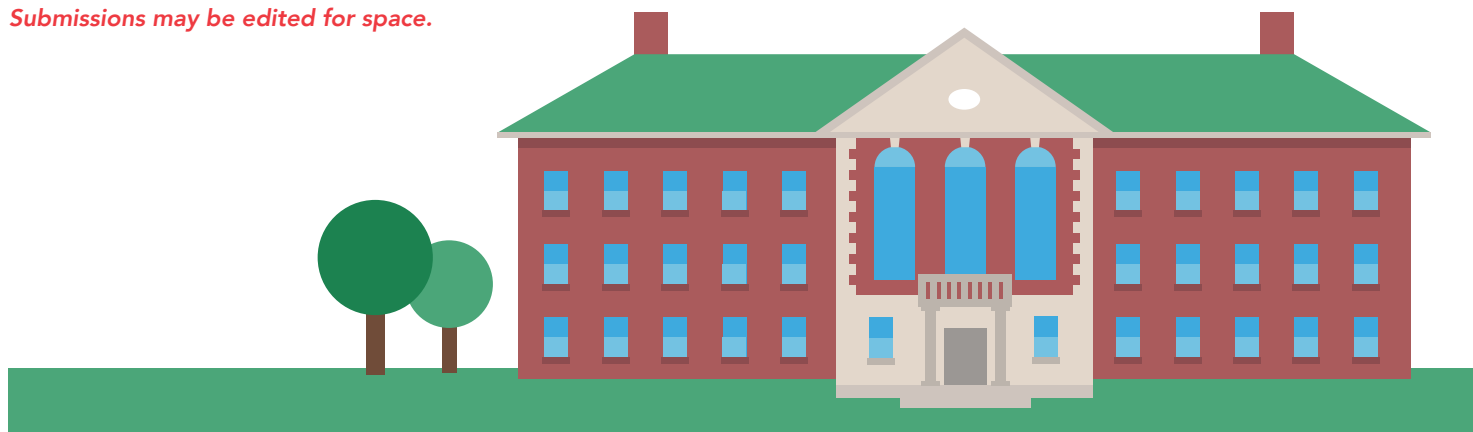
'17

SUSAN JOHNSON (JD) was appointed to the National Board of Directors for the Canadian Bar Association, which represents some 36,000 lawyers, judges, notaries, law teachers and law students from across Canada. Johnson practises corporate law and tax law with McInnes Cooper in Halifax, NS. She represents Nova Scotia on the National Board of Directors for the Canadian Bar Association (CBA), serves as Chair of the Audit Committee of the Smythe Street Cathedral Inc.'s Board of Trustees, is a member of the Canadian Association of Black Lawyers (CABL), the Law Society of New Brunswick, and the Nova Scotia Barristers' Society.

DO YOU HAVE AN UPDATE YOU WOULD LIKE SHARED IN NEXUS?

SUBMIT YOUR NEWS TO
NEXUS@UNB.CA

Submissions may be edited for space.





A conversation with family lawyer **Ann Gushurst**

The law school recently launched a new podcast to help connect our students with the UNB Law community and to inspire them during the difficult transition of COVID-19. In the inaugural episode, Michael Marin sat down with family lawyer Ann Gushurst (LLB '97), senior counsel with Griffiths Law PC, just outside of Denver, Colorado. The pair discussed her law school experience, her award-winning career, and her passion for the fight for civil rights that has led her to pioneer many LGBTQ family law issues, including serving as co-counsel in the case against Colorado's Defense of Marriage Act (DOMA) laws. Here are a few highlights from their conversation.

Do you remember your first day of law school?

Oh yes, it was like getting out of stay-at-home motherhood prison. Just for context, when I went to law school I had a one-year-old, a three-year-old, and a five-year-old, and I had literally spent the last six years pregnant or nursing, so it was so exciting to be back on a university campus talking to actual adults and people who could go to the bathroom by themselves.

I remember the first day we had Professor Gochnauer—apparently, he was a Vietnam draft dodger from the States. He gets up on the desk and sits in the lotus position and everybody is looking thinking “what is going on?” Nobody could get over the fact that he was this guy in blue jeans sitting cross-legged on his desk...I really enjoyed my professors. We had Dan Hurley for criminal law; for a midterm, he decided to spoof everybody, and I think 80% of the correct answers were C, so people were writing the exam and freaking out.

Is there anything that you would do differently if you were to do law school all over again?

I guess I didn't think about what I was going to do next, [law school] was just sort of one foot in front of the other for me, and in hindsight, maybe I would have taken trusts and estates. Other than that, I really got a lot out of law school. I looked at law school as getting the secret decoder ring that finally explained how everything works. I think most attorneys and law students are focused on litigation as the primary manifestation of how you work in law, and that's just wrong because the vast majority of attorneys don't go into litigation—they go into government and into companies. Law is the language that allows commerce to work, it's the language that we use to form our society, and when you look at it from that perspective, the type of broad-based approach that UNB has always taken is extremely helpful.

So UNB's broad-based curriculum is something that you saw as an advantage?

I can't even tell you the advantages that it gave me. I'm mostly in the realm of dealing with people who went to US law school, where people take very segregated courses in whatever they're interested in. Of course, everybody thinks they can do family law, so every time there's a recession we get all the civil attorneys and criminal attorneys dipping their oar so to speak—they have no idea. When you do high-end divorces—which is the kind that I sort of specialized in—if you don't understand formation of business, if you don't understand trust law, if you don't understand what fiduciary duty is, it's really hard to give your clients good advice without bringing in other professionals.

In family law, we routinely have business issues, out of the state issues, criminal law comes to bear, bankruptcy right now is a big thing.

These are all areas of the law that you need to know. I think it was in property law that we learned about writs. I know what a writ is, and I understand the abolishment of writs and where you find them and how they interact with legal rights—the vast majority of the attorneys I practice with have not even heard of them.

You've become a leader in family law. Is that something you were always interested in, or did that develop over time?

Oh, hell no! I was not the least bit interested in family law. I started out at Gilbert McGloan Gillis in Saint John, which was the only law firm that made me an offer. I realized that working full-time in general practice was fairly difficult. It wasn't so much the law work itself, but the expectations of a larger firm are difficult for single parents. My dad got sick, so I moved back to the States to take care of him, and I actually went in-house for a couple of years and did telecommunications law. I decided to go out on my own. There are really three types of practice you can do in the states without being in a big firm. One is bankruptcy—which is not something anybody like me would be good at—and one is criminal law, where you're dealing with criminals and there's a lot of after-hours work. The natural place to go was family law. It was not a deliberate decision, but it's been a good fit. There is no bigger stage of human drama and emotion than [family law]—it's been an education every day of my career.

It wasn't a deliberate choice, but then you excelled at it, and you reached the top of the profession in that field. What do you attribute that trajectory to?

I have a passionate sense of justice—a very strong streak of being intolerant of injustice. Family law is difficult in that it is increasingly overburdening our judicial system, which was designed to not really deal with divorce. I guess what really got me

going in family law was realizing the tremendous impact it has on people's lives and the scope for getting the legal system to be better.

Our laws were not recognized in same-sex marriages. One parent in all of those cases had no legal rights to their children. I was representing a woman who had been in a same-sex marriage, their relationship fell apart and the other mother took the child and moved out of state, out of the country. The court said "you're not a legal anything to this child," and I thought this cannot be right. So first I found a legal theory to establish a legal parent-child relationship with this child and this mother—it was the first time that had been done in Colorado, and the second time only nationwide. Then I convinced the LGBT bar that we should sue the state and change the [DOMA] law, and we did.

What do you think is the next frontier in equal marriage in the US? What's the next thing that has to be accomplished?

The last frontier for common law marriage jurisdictions—which Colorado is one—is ascertaining that once the [DOMA] law was struck down as unconstitutional it was *void ab initio*, meaning that it was as though it never existed. We've just had three cases, two of which were same-sex couples, go before the supreme court to determine can the court retroactively recognize a same-sex relationship that had all the hallmarks and indices of common law marriage.

There's two parts of that, one is how can people be married during a time when they knew that they couldn't be? I think the court is going to answer that marriage is an act and if you are acting married, you're supporting each other, you're married, whether or not you said in your mind "I'm married." The second problem is that in Colorado the seminal case requires that there be a bit of additional proof because there's that notion that you have to be wary of people who could have gotten married but chose not

to—and “are we trapping people who didn’t intend to be married?” That’s a huge problem in today’s society, where living together doesn’t mean you intend to be married to that person or having sex with them doesn’t mean you intend to be married, owning joint property doesn’t, having children [doesn’t]. We’ve just changed so much.

The flip side of that, for same-sex couples, is if you are living a closeted life how are people going to recognize that you’ve been in a committed marital relationship? Our test is not only “do you have to have consent,” but you have to have lived openly and held yourselves out to the community as being married. We run into that problem quite a bit, people who could have lost their jobs if they were openly out as being in a same-sex relationship...The problem is that it is more of a shift in societal norms than it is a shift in the legal reasoning.

I think that the next frontier is going to be actually that as couples get together going forward—both same-sex and straight couples—more and more of them are not getting married, but that doesn’t mean that they don’t have children, and that one person doesn’t take on the brunt of this part of the work and not this part. I think that in terms of what we used to argue for LGBT couples, which was joint endeavor quantum meruit, unjust enrichment, detrimental reliance, all of those arguments are going to shift from being just LGBT relationship arguments to being everybody’s arguments because people aren’t getting married at the same rate but they’re still enmeshing their lives. It’s a question of how do we organize as a society.

I know you’re very interested in alternative dispute resolution (ADR). How important is ADR as an alternative to litigation?

The law reflects society—you can change the law, but if you don’t change the underlying assumptions, things don’t really change. The best example of that is no-fault divorce. When people go through a no-fault divorce, that feeling of being vindicated doesn’t appear. ADR is important because it’s a modality for us to change that expectation. Unfortunately, most people doing ADR are attorneys, and we are in a black and white think pattern, so we approach ADR the same way we approach litigation. For ADR to be transformative, you have to get away from the win-lose mentality. Unfortunately, the law ignores the emotional reality of the people seeking solutions—from that perspective, it’s very incomplete. It doesn’t do somebody a lot of good

to get a wrongful death [payment] if what they’re upset about is that they weren’t treated with respect; it doesn’t help to win sole custody of your children if you end up damaging them because they don’t have a relationship with the other parent. It’s just so nuanced, and the law is not nuanced, it’s fairly black and white. That is a problem when it’s applied to human beings.

Do you think that it should be other professionals, or should we be changing the way we train lawyers for ADR to work properly?

It’s a debate in the collaborative law community, whether or not you can be a collaborative attorney right out of law school—before you learn all your bad habits—or whether you need to understand the legal underpinnings of divorce and have practiced in that arena legally before you can do good collaborative law. Over the years I’ve been on both sides of that debate.

The other thing about law that’s particularly problematic in the context of family law or even in medical malpractice—which is what I did before I went to family law—is that we present fact-finders with only the facts we think are relevant. Having somebody make decisions for children, who doesn’t understand psychology and child development is dumb, it’s just dumb. So, do I think attorneys should be trained differently? Yes and no. I think that they should still understand the legal standards but you can’t be a good family law attorney if you don’t have empathy. You just can’t, and if you don’t understand the damage you do psychologically to a family system that’s a big problem too.

It sounds to me like you can never really separate yourself emotionally from your clients. In fact, your emotional connection to your clients is probably one of the things that has made you very successful?

You have to be really careful not to become enmeshed with your client perspective. Part of being a zealous advocate is giving your client advice that they need to hear but don’t want to hear—that’s what a good advocate does. You cannot be objective if you’re completely sucked into the mindset of your client—perspective is really important. Don’t pick a fight your client doesn’t need. Understanding your clients’ needs is critical because people feel very vulnerable going through a divorce—it’s a loss of identity, a loss of earning time, a loss of financial resources. If you don’t have



empathy, they are going to feel brutalized, not just by what they're going through, but by the process.

Can you talk a little bit about how you see pro bono fitting into your overall practice?

A fair amount of my practice has always been pro bono, and one of the great advantages of my law firm is that they made it possible for me to support myself and do pro bono work—for that, I give them a tremendous amount of credit. I would not have lasted this long had I not had that ability to do the cases I really thought were important.

Pro bono is really an access to justice issue. I concentrate my pro bono work on appellate work. The problem is that if you create the idea that everybody's covered because we're doing all this pro bono work you ignore the bigger problem, that law is increasingly out of the financial means of people who need it. That's particularly true in probate and family law cases. Some people are more protected than others based upon what they're willing to sacrifice financially.

Do you have any advice for law students? What should they be focusing on in law school?

I think one of the most important things about legal education is understanding the historical context of what the law does and what it's set out to do and to

analyze how that serves or doesn't serve present-day society. A lot of people ignore administrative law, but it's critical, and you have to understand the brilliance of it and the limitations of it. You have to understand how legislation works.

Conflict resolution is a lot of what we do, but law is a lot of other things too. Regulation is a huge area of law that isn't taught...There's just so many areas of law that we don't think about in law school because we're thinking about law and order, we're thinking about the courtroom scene, but law is everywhere. It's the fabric of our society. My advice to law students would be to look at that and to realize that it is so much more than litigation. Litigation's the tip of the iceberg in terms of how law impacts us, and you really need to have a bigger perspective because, as an attorney, you will be impacting other people your entire career. You have so much to give back to our society in terms of potential and understanding and helping to be part of the solution and not part of the problem.

To watch the full conversation with Ann, and other episodes including The Hon. Wade MacLauchlan and The Hon. Graydon Nicholas, please visit unb.ca/lawpodcast.



Reflecting on the **ARTHURS REPORT** and the **LEGACY OF ED VEITCH**

Dr. Nicole O’Byrne presented *Remembering the Arthurs Report – A Conversation with Ed Veitch* at the Canadian Law and Society Association’s (CLSA) fall 2019 conference *Law and Learning in an Era of Partnerships*. Dr. O’Byrne, who served as President of CLSA from 2018 to 2020, led the keynote panel that saw a group of legal scholars—including Professor Harry Arthurs

himself—discuss the legacy of the influential 1983 *Arthurs Report on Law and Learning*. Since the event, Dr. O’Byrne has begun transforming her conversation with former dean (1979-1983) Ed Veitch into a paper exploring the historical significance of the report, Veitch’s contributions, and the law school’s role as an early adopter of the report’s findings.

*Photo by Abbey Smith (2L)
@lawstudentdaydream (instagram)*

***“The report affirms that the law school is not simply a place to train future practitioners, but also a hall of academia, where ideas, intellectualism, research, and interdisciplinary studies are promoted and celebrated.*”**

In 1979, the Social Sciences and Humanities Research Council sought answers to why only two Canadian law professors had received funding through the federal granting agency. They wondered how this was possible. Canada had many law schools and a lot of law professors—why were they not applying for funding? Were they not doing research? This was the impetus for the study.

Professor Harry Arthurs, dean of Osgoode (1972-77) and President of York University (1985-1992) led the study, assembling a sizeable and savvy external advisory committee that had a dean or a senior member of faculty from every law school in the country. They completed surveys and spoke to judges, lawyers, and legal academics, all to discover what would promote a culture of research and interdisciplinarity. They asked the questions, are we a law school or a lawyer school? Is the law an intellectual discipline worthy of study in its own right? Ultimately, the group agreed that there must be a way for law schools to balance the needs of the practicing bar but also to stimulate and promote intellectual discovery.

“There is a temptation to teach law in a very formal mathematical way,” said Veitch while chatting with Dr. O’Byrne, “and there still is that tension—a contract is a contract. People like Harry Arthurs understood that law is much more than that. We are dealing with people and their problems—that can never fit into a nice flowchart. We saw law as a social science, and that was not a common point of view at a time when law schools were still seen as practitioner mills.”

“When I met with Ed at Pine Grove, I saw this plaque on the wall that seemed to perfectly sum him up,” said Dr. O’Byrne. “It was titled, *Ode to the son of a Veitch*,” and it read, “Out of Windsor calmy serene, In ‘79 he made our scene, To humanize this school of law, Red bearded Dean without a flaw.”

After her review of the Arthurs report and interviews with several retired UNB faculty, Dr. O’Byrne makes the argument that UNB was an early adopter of the *Arthurs Report on Law and Learning*, whose spirit she sums up in two words, humane professionalism.

“The report affirms that the law school is not simply a place to train future practitioners, but also a hall of academia, where ideas, intellectualism, research, and interdisciplinary studies are promoted and celebrated. Often law schools seem to feel like there’s a choice to be made, that you have to go one way or the other. UNB has always managed to straddle both of those worlds.”



Harry Arthurs, Professor Emeritus (York University)

Dr. O’Byrne attributes much of UNB Law’s success in offering both vocational training and scholarly pursuits to the former dean. Veitch was on the advisory committee of the report. He shared the values of the Arthurs report and brought them to UNB Law.

“Veitch has commented that his participation in the creation of this report was one of the high points of his deanship and that the report set a pedagogical trajectory at UNB that still resonates 40 years later. It would have been interesting to be at the faculty when Ed was hired as dean. It was a big shake-up for the faculty. He was hired from outside of UNB—a very cosmopolitan guy who had worked all over the world but was also a prolific scholar.”

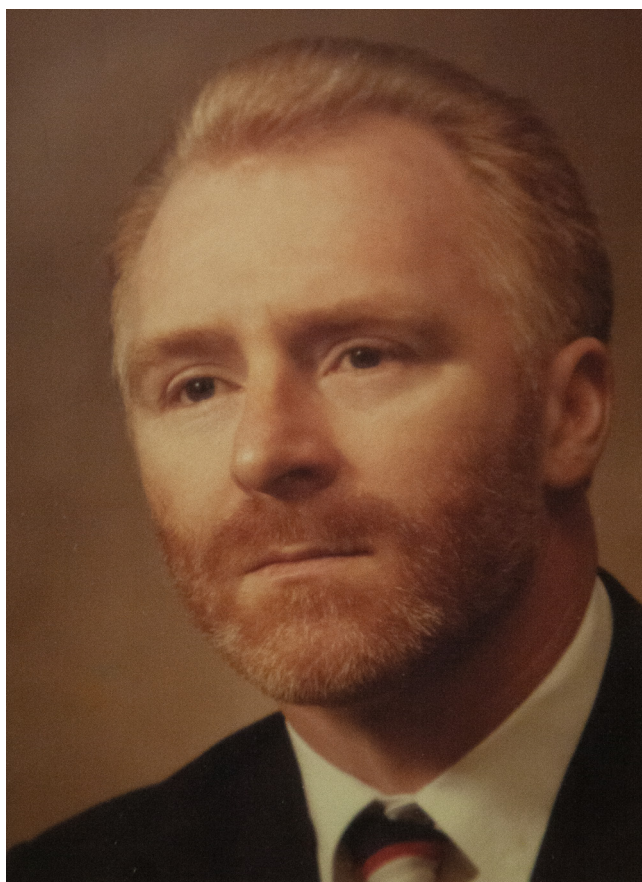
Under Veitch’s leadership, UNB Law established a Centre for Property Studies, developed partnerships for international exchanges, hired several new professors with strong academic and research credentials, and built an expertise in environmental law. He oversaw the design and construction of the expansion to the law building to create additional classroom space and an extension that is now the Gérard V. La Forest Law Library. His desire to change the pedagogical approach to law school is perhaps reflected best in his recruitment of a number of full-time professors, most of whom remained at UNB for their entire teaching careers.

For Arthurs, Veitch, and the other contributors, the problem was that law faculties understood their primary purpose was to produce lawyers. Thus, they sought practitioner support, transmitted practitioner values, and didn’t worry about promoting research culture.

“The research output and even the research ability of the average law professor in the 60s and 70s was quite minimal,” said Dr. O’Byrne. “They saw this as a problem. How do you move the law forward? You have to be engaged with the social sciences and humanities and then work it into legal studies.”

Veitch hired people with PhD’s and Master’s degrees in the arts—but also with law credentials. People like Myron Gochnauer with a PhD in philosophy, Margaret McCallum with a PhD in history, David Bell with a Master’s in history. He understood the importance of legal history as part of that whole story. He wanted to bring more interdisciplinary research into the study of law.

“You teach students to look at problems from a broad perspective that includes history and the theory—then they can think their way through problems. Ed



Ed Veitch, Former Dean of UNB Law

believed in the importance of doctrinal subjects but understood that it is necessary to have people teaching law and society and other theoretical perspectives courses.”

Dr. O’Byrne remembers coming to UNB Law for her job interview in 2009 and having the opportunity to watch Prof. Veitch in action.

“I had just watched Prof. Gochnauer teach Evidence. Then, these two students behind me said, ‘oh you should stay for the next class, Veitch is teaching Remedies.’ I stayed and it was remarkable. Ed Veitch, at the height of his game, teaching a class that incorporated the doctrinal law but also contemporary socio-economic issues and context. He was so engaging he had the whole class participating in these conversations. He even called on me!”

In Dr. O’Byrne’s opinion, UNB Law continues to follow the recommendations of the Arthur’s report nearly 40 years after its release—as seen in many recent hires.

“In the last few years, especially, we have hired people with pretty varied backgrounds. People like Maria Panezi with a PhD in international trade law and post-doctoral fellowship at the Centre for International Governance Innovation.”

“In the last few years, especially, we have hired people with pretty varied backgrounds. People like Maria Panezi with a PhD in international trade law and post-doctoral fellowship at the Centre for International Governance Innovation. Jason MacLean, who holds a PhD in Sociology, recently completed his second PhD in Law. When I asked him his thoughts on environmental law he said, ‘I teach environmental law but really I teach environmental law and policy.’”

These scholars are only two examples of the broad and innovative research being done at UNB Law. Dr. O’Byrne also highlights Hilary Young, who recently received a sizable SSHRC grant to research injunctions concerning speech, and Vokhid Urinov, who has a PhD in tax law—generally thought of as an area where you’re teaching people to go out and be practitioners. Dr. Urinov views tax as an intellectual subject. He teaches law students the doctrinal part of tax law but also the policy implications and the history and the purpose.

Over the past four decades, UNB Law has followed many of the recommendations contained in the Arthurs report regarding interdisciplinarity and broadening the scope of legal studies. However, Dr. O’Byrne sees one important area where UNB Law has room to grow.



The report also recommended that law schools offer experiential programs that give the students an opportunity to see how legal theory plays out in practice.

“We are the only English-speaking law school in the country without a legal clinic. This is one of the recommendations of the report we have not been able to implement. The good news is that our forthcoming strategic plan continues the legacy of Arthurs/Veitch’s vision. A legal clinic is now the priority of our strategic plan, and we all agree on how important it is to give our students the opportunity to see research and scholarship in action.”

Veitch believed that law schools should be pluralistic and that students should receive a well-rounded education. This has been the UNB Law advantage for close to 40 years. For Dr. O’Byrne, the law school owes much of its success to Ed Veitch’s adoption of the findings of the Arthurs report.



In Memoriam

Constance (Connie) Petrie (LLB '85)

4 December 1943 - 20 September 2020

In September, Constance (Connie) Petrie passed away peacefully, leaving behind a legacy of love and compassion.

Connie was born in 1943 in Montreal to parents Mary (Gallagher) and John Kilburn. She received her high school diploma from Marymount College in Quebec City in 1961 and graduated from the NB Teacher's College the following year. She taught at St. Dunstan's school in Fredericton before receiving her Bachelor of Arts from St. Thomas University in 1975. In 1985, Connie graduated with her LLB from UNB Law and was admitted to the NB Bar that same year. She proudly served as a legal research assistant to her husband of 50 years J. Gordon Petrie, QC (BCL '64, and LLD '09) until her retirement in 2000.

Connie is remembered for her thoughtfulness and her caring and compassionate nature. One of her most beloved pursuits in life was her 15 years of work with the Kindness Club, an organization promoting the philosophy that children who learn kindness to animals and the environment grow up being kind and respectful to others.

"She believed in the importance of peace and the social justice movement long before they were in vogue," said her son Jamie Petrie (LLB '94) at her celebration of life service. "I think the reason that mum connected so deeply with so many people is that she sincerely and unequivocally cared about you. There was

nothing fake or superficial about mum. When she spoke to you, she listened intently and without judgment. She wanted to hear what you were saying, she wanted to understand what you were going through, and she was legitimately interested in your experience."

One of her proudest achievements was the creation of her website millenniumpeace.ca, which she established as an independent goodwill venture to provide information, promote knowledge, and foster multi-cultural understanding, all in the spirit of peace and friendship.

Connie's compassion was undeniable. Her son, The Hon. Justice Richard Petrie (LLB '90), remembers his mother's selfless nature, even in her final days.

"My mother was the single most positive and considerate person that I have ever known. Every word of mom's obituary and the entire service was planned by mom and put in her writing approximately two years ago. A couple of days before mom passed, she told me that she had already prepared for these events, 'not to burden her boys.' Right to the end, mom thought of others. That is just the way she was."

“She was always there for us,” adds Jamie, “putting her personal needs behind that of her family. Which is crazy when you think of how many years she attended St. Thomas and UNB Law school, working hard on her studies all while we were growing up. I remember many mornings coming down for breakfast and mom had been up all night studying her case law in order to squeeze in her studies after we all went to bed. Having studied all those same law courses I am honestly not sure how she pulled that all off.”

Connie had an adventurous spirit and loved to travel. She visited many countries with her husband and travel partner Gordon. She adored flowers—their natural beauty and fragrance—and surrounded herself with her signature cream and peach bouquets.

“They were everywhere in her house. Some weeks we saw the Trites delivery van more that we saw our father,” joked Jamie.

She was active, and in her day, was an enthusiastic skier, skater, and golfer. She loved to spend time outdoors, walking along the St. John River, and spending her summers at Robertson Point on Grand Lake.

Connie was a daughter, a sister, a wife, a mother, and a grandmother. She is especially missed by her three devoted sons and their families: Justice Richard Petrie, wife Margot and grandson Andrew; Jamie Petrie, wife Gisèle and granddaughters Anna and Naomi; Richard Mannering, wife Sylvie and granddaughters Emilie (Fouad), Sarah (Jonathan) and Julie (Denis). One of six children, Connie also leaves behind her sister Barbara McCormack (Danny) and brothers Paddy (Marilyn) and Michael Kilburn. She is also survived by twelve special nieces and nephews whom she held dear.



CELEBRATING EXCELLENCE & RECOGNIZING GENEROSITY

2020/2021 Scholarship & Prize Recipients

Celebrating our student's success and recognizing the generosity of our many donors is paramount for our Law School. Unfortunately, due to COVID-19 restrictions, we are unable to host our annual academic awards night this year. We look forward to returning to this longstanding tradition as soon as possible.

In the meantime, **CONGRATULATIONS** to all of the 2020/2021 scholarship and prize recipients and a **THANK YOU** to the donors who make these awards possible.

Note: 1L prizes had not been finalized by the date of publication. Please visit unb.ca/nexus to view these awards.

ENTRANCE SCHOLARSHIPS

Lord Beaverbrook Scholarship (1st Year)

Hannah Russell, Graham Manderville,
Brigid Martin

Lord Beaverbrook Scholarship (Renewal)

Alden Spencer, Pragya Chowdhury,
Weston McArthur, Erik Arseneault,
Patrick Delaney, Alexander Carleton

Hon. Charles Hughes & Edith Hughes Scholarship

Riley Loughead, Kaitlin Gamble

Tore Grude Memorial Scholarship

Rebekah Robbins

Stephen Smith Scholarship

Jake Bryden

Mabel French Scholarship

Olivia Pearson

Hart Green Scholarship

Benjamin Stratton

Cherrill Edwina Shea & Carl Robert Aron Law Scholarship

Olivia Ricketts

Marie LaForest Scholarship

Hailey Frenette

Wayne Carson Scholarship in Law

Shelby Batten

Sherron Dickson Award

Destiny Grant

Newfoundland & Labrador Law Entrance Scholarship

Alexander Marshall

David Covert Entrance Scholarship

Katie Unsworth

Taylor-Strain Family Scholarship

Abigail Companion

Prince Edward Island Law Foundation Entrance Scholarship

Vanessa Trainor

Law Foundation of Nova Scotia Entrance Scholarship

Dylan Gallant

Gregory Bridges Scholarship

Zoe LeBlanc

Louis & Joel Attis Scholarship

Lauren Sorel

“It has always been my goal to use this degree to serve people who have historically been at a disadvantage—your investment in me will help bring that goal to fruition. I hope to someday invest in future generations as you have in me.”

- Hannah Russell

John Bryden Scholarship

Riley Mitchell

Stewart McKelvey Diversity Scholarship

Marina Kwak

Barry Family Trust Scholarship

Amanda Sooley

Canadian Bar Association (NB) Entrance Award

Tyler White

NB Law Foundation Entrance Scholarship

Benjamin Stratton, Dylan Gallant, Kathryn Humphries, Katie Unsworth, Michelle McCabe, Ceili Randall, James Good, Graydon Campbell, Daniel Mallov, Ryan Fancey, Frank Gillies, Hannah Helm, Warren Peters, Raechel Mills, Sheldon McRae, Sean Murphy, Sean McNeill, Benjamin Rogers, Logan Walters, Duncan Wallace

UPPER-YEAR SCHOLARSHIPS

Honourable William F. Ryan Scholarship

Caitlin Gallant

Frank Covert Scholarship

M. Colton Smith

Frank Covert Scholarship Renewal

Lori Wareham

Starr House Award

Nicole Pelletier

Dr. Daniel Hurley Scholarship

Chelsea Drodge

Law Foundation of Newfoundland & Labrador Centennial Scholarship

Kelsie Lockyer

Prince Edward Island Law Foundation Centennial Scholarship

Sabryna Shaw

Harry K. Scott Scholarship

Gyan Gill

Joseph W. Sears Scholarship

Heather Kennedy

Blake, Cassels & Graydon Scholarship

Megan Smith

Blake, Cassels & Graydon Scholarship renewal

Colleen Roach

Sherrard Kuzz Scholarship

Cathleen Trafton

David Covert Scholarship

Chelsey Buggie

Zoë Odei Memorial Scholarship

Delaney Stymiest-Losier

Lawrence & Jean Fraser Scholarship

Michael Williams

Frederick D. Toole Memorial Scholarship

Abigail Smith

A. Frederick Richard Scholarship

James Pinchak

Allen M. Ruben, QC Award for Humanitarian Leadership

Jennifer Bueno

Frank McKenna Scholarship

Kaitlan Huckabone

Borden Ladner Gervais Professional Excellence Award

Graeme Hiebert

Stewart McKelvey Scholarship

Alexandra Steinberg

Leary Moore Memorial Scholarship

Raylene Mackey

“Thank you to all who continue to donate to UNB Law. I received scholarships this year that were not just practically helpful but also very emotionally validating and reassuring. These awards remind students that their hard work is valuable and pays off. We all really appreciate it.”

- Graeme Hiebert

MacLellan Family Scholarship

Alysha Snow

Law Class of 2010 Scholarship

Charles White

Forging our Futures Law Awards

Alexandra Youssef, Lucas Savini, David Bunce, Joshua Merrigan, Dominique Goguen

Kevin Mitchell Award

Alysha-Rae Weekes

Christopher Hicks Scholarship

Katherine Myers

Law Class of 1963 Scholarship

Patrick Leger

Case Family Scholarship in Business Law

Dawson Harrison

Law Class of 2001 Scholarship

Natalie Ross

Franco & Maria Giamberardino Scholarship

Sarah MacCallum

Terry Kelly Scholarship

Chantalle Briggs

Eric L. Teed Memorial Scholarship in Law

Morgan Wilcox

Christy Shaw Scholarship

Sumaiya Akhter

Evelyn Roach Memorial Scholarship

Daniel Escott

Cape Breton Barristers' Society Scholarship

Allison Bigg

Amicus Law & Mediation Scholarship

Emily MacLeod

Hoyt Family Scholarship

Dana Evans

Margaret Teed Tector Scholarship

Ash Arsenault

Fernand Landry Scholarship

Katherine Peterson

Brian Rees Campbell Scholarship

Ellen Sterns

Law Class of 1981 Scholarship

Katie MacDermaid

Justice Barbara Baird Scholarship in Family Law

Sonya Vey

Cedric Gilbert Scholarship

Lauren Ogden

Richard J. Scott, QC Scholarship

Julia O'Hanley

Law Class of 1978 Scholarship

Kerry Gosse

Linda & Michael Beairsto Award

Michiko Merasty

George McAllister Scholarship

Kathryn Power

Allen Earle Scholarships

Emily MacLeod, Dominique Goguen, Michael Williams

Law Foundation of Nova Scotia Scholarship

M. Colton Smith

Canadian Bar Association (NB Branch) Award

Isaac McLellan

NB Law Foundation Upper Year Scholarship

Dawson Harrison, Kathryn Power, Joshua Merrigan, James Pinchak, Kaitlan Huckabone, Alexandra Steinberg, Katherine Peterson, Alexandra Youssef, Michael Williams, Lauren Ogden, Graeme Hiebert, Megan Smith

ENCAENIA 2020 PRIZES

Lieutenant-Governor's Silver Medal

Curtis Doyle

Law Faculty Prize

Fahim Rahman

Law Faculty Council Prize (third year)

Curtis Doyle

Blake Lynch Prize in Criminal Law & Evidence

Leigh-Ellen Dunstan

McInnes Cooper Prize in Corporate Law & Taxation

Shayna Levine-Poch

J. Gordon Petrie, QC Prize in Labour & Employment

Carson Rehn

Stewart McKelvey Prize in Business Law

Curtis Doyle, James O'Shea

Lawson A. W. Hunter, QC Prize in Conflict of Laws

Colin Boyd (fall), Curtis Doyle (fall),
Chee-Wang Ng (winter)

Spirit of UNB Law

Fahim Rahman

Degrees with Distinction

Kelsey Bennett, Amanda Brennan, Curtis Doyle,
Mark Heighton, Chee-Wang Ng, Fahim Rahman,
Victoria Tremblett

PRIZES

Law Faculty Council Prize (second year)

Alexander Carleton.

Bryden Family Prize in Administrative Law

Kathryn Power (fall), Patrick Delaney (winter)

Leycester D. D'Arcy QC Prize in Evidence

Caitlin Gallant (fall), Morgan Wilcox (winter)

John Teed Prize in Civil Procedure

Lori Wareham (fall), Jordan Hamilton (winter)

Bereskin & Parr Prize in Intellectual Property

Curtis Doyle

"Please know that your generosity has had a profound impact on my law school experience. I can now focus on my studies without the added stress of student debt and have extra time to volunteer in my community. My sincerest thank you."

- Jake Bryden

Townsend/Fisher Prize in Real Estate Transactions

Matthew Ruttledge

McInnes Cooper Prize in Trial Practice

Holly Burns (fall), Renna Eliakis (winter),
Jillian Trail Fahey (winter)

NB Trial Lawyers' Association Prize in Trial Practice

Chee-Wang Ng (fall), Jillian Trail Fahey

Insolvency Institute of Canada Prize in Insolvency Studies

Chee-Wang Ng

Horace Hanson Prize in Constitutional Law & Civil Liberties

Christopher Lutes

Richard Hanson Prize in Constitutional Law

Margaret Rondot

Barry Morrison Prize in Legal Writing

Mark Heighton

John Teed Prize in Community Planning

Mark Heighton

Jean-Marc Ouellette Insurance Law Prize

Ian Donihee

Lyman Purnell Prize in Wills & Estates

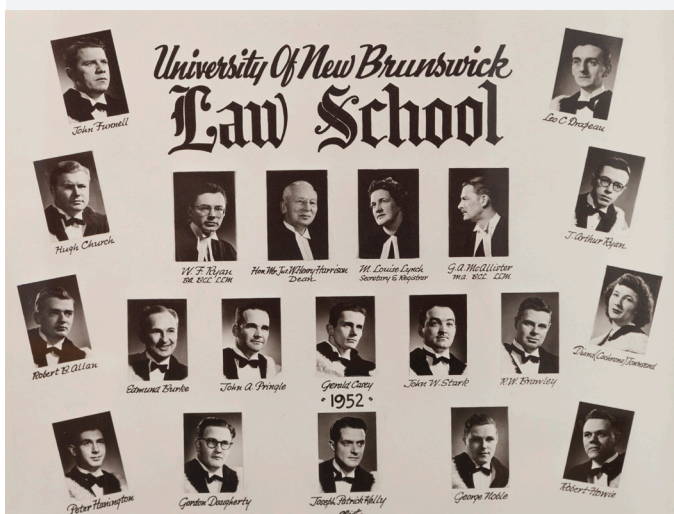
Victoria Tremblett

HELP MAKE A DIFFERENCE

FOR CURRENT OR FUTURE UNB LAW STUDENTS

Our Law School is fortunate to have many generous supporters—alumni, firms, friends and foundations—who provide scholarships for our students, resources for our Library, and funding for our moot courts, special lectures and Law Journal. This support is fundamental to enriching the education and the experience at UNB Law.

If you would like to explore donation options please contact lawdean@unb.ca.



MISSING GRAD COMPOSITES



We are searching for UNB Law grad composites for '47, '48, '49, '55, '56, '57, '58, '59, '60 and '61. If you know of their whereabouts, please contact lawdean@unb.ca.

KEEP IN TOUCH

Follow UNB law on Facebook and Twitter

 /unblaw  @unblaw

Follow the Law Library on Facebook and Twitter

 /UNBLawLibrary  @UNBLawLibrary

Remember to update your contact information with UNB Alumni by visiting:

UNB.CA/ALUMNI/UPDATES

Editor & Creative Director: Ed Bowes

For comments or story ideas, or to receive a print copy, email us at nexus@unb.ca

Thanks to everyone who contributed to this issue.