

# NEXUS

UNB LAW ALUMNI MAGAZINE



**NEW LEGAL CLINIC**  
*aims to improve access to justice  
through experiential education*

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# Dean's Message



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

Michael Marin  
Dean & Associate Professor

## *Embracing Experiential Learning*

**U**NB Law is taking a big leap forward this fall. As our cover story showcases, we are opening the UNB Legal Clinic in September. This is a game-changing development for our Faculty and the Province.

The UNB Legal Clinic will be New Brunswick's only full-time, non-governmental poverty law clinic offering legal representation to people who cannot afford a lawyer. This pillar of our strategic plan is the first step in a journey that will result in UNB Law developing the most innovative experiential learning program of any Canadian law school.

I am so grateful to everyone who helped make the UNB Legal Clinic a reality. For years, perhaps generations, people have been talking about the need for such a program, but there was always something standing in the way. We finally got it done. There is a reason why UNB's President, Dr. Paul Mazerolle, and Vice-President (Academic), Dr. Kathy Wilson are on the cover of this issue. Simply put, the UNB Legal Clinic would not have happened without them.

From the first time I spoke with him three years ago, Dr. Mazerolle expressed his support for a poverty law clinic in our Faculty. As a criminologist who oversaw a law faculty at his previous institution, Dr. Mazerolle understands the importance of clinical legal education, both in terms of experiential learning and access to justice. Despite the major financial challenges and uncertainty caused by the pandemic, Dr. Mazerolle pushed hard to ensure the money was there to get the UNB Legal Clinic established.

And Dr. Wilson embraced this project as a top academic priority for the Fredericton campus, putting the conditions in place that allowed us to hire an outstanding Supervising Lawyer, Jeannette Savoie. We are so fortunate to have such ambitious and proactive leaders supporting us in our efforts to revitalize UNB Law.

In addition, as you will read further in this issue, the UNB Legal Clinic was made possible by many other people, both inside and outside our Faculty. We are also indebted to them.

Some of you may wonder why the UNB Legal Clinic is such a big deal. After all, UNB Law and its graduates thrived for generations without one. The reason is that the legal profession, law students, and society have changed significantly in the last forty years. The consolidation of law firms, a more competitive market for legal services, and innovation in how they are delivered have significantly increased the pace of the legal profession. In this frenetic climate, legal employers understandably struggle to devote enough time and resources to training and mentoring law students and recent law graduates. Experiential learning programs, like the UNB Legal Clinic, allow students to graduate from law school knowing some of the nuts and bolts of representing a client.

*Aside from its practical virtues, clinical legal education gives students valuable perspective. Law school isn't about grades, prizes, or fancy jobs. It's about the privilege of preparing oneself for a noble profession—one that is fundamentally about helping people and society. Through the UNB Legal Clinic, our students will encounter real people with real problems, and they will be tasked with solving them. I am convinced that this kind of experience makes law school a more profound, meaningful, and less isolating endeavour for students. It serves as a vivid reminder of why they are there in the first place.*

With more experiential learning opportunities, our students will start to learn the most important lessons of our profession much earlier in their development—that our purpose is to solve problems, not create them; that our goal is to avoid and resolve disputes, not seek them out; and that lawyers are facilitators, not obstructionists. In short, they will learn how to be great leaders.

This is something that cannot be learned from a casebook; it is engrained by experiencing the privilege and responsibility of being charged with another person's interests. Always under the direction of our Supervising Lawyer, our students

will find out what works and what doesn't work in real life. If we can graduate more students with this perspective—who see themselves as servants and who have empathy for their clients—our society will be much better for it, and we will contribute positively to the rule of law and the administration of justice.

As proud as we are of the UNB Legal Clinic, it is just a first step. Our Strategic Plan outlines a series of new programs that will take experiential education further, including the Legal Observatory and the Virtual Reality Law Lab. I invite you to learn more about these initiatives. Like the UNB Legal Clinic, they will make UNB Law an institution that is more engaged with the community and, in doing so, broaden the perspective and skills of our students.

It has been a privilege for me to travel across the country this summer and share these ideas with so many of you in person. In May, I was in St. John's, where we had a fabulous alumni reception organized by Tom Williams, QC (LLB '87); this visit reinforced my conviction that UNB Law is Newfoundland and Labrador's law school. In June, I met with several alumni in Vancouver and we are working together to establish a more formal network of graduates on the West Coast, and to open more career opportunities for our students there too. Earlier this month, I was in Toronto and met with about a dozen prominent alumni who are so passionate about UNB Law and its future. With your ongoing support, we will affirm UNB Law's place as one of Canada's very best law schools.

Throughout this issue you will read about leading indicators of our success, whether it's in national moots, high court clerkships, community service, or teaching excellence. I hope you are as proud of these accomplishments as we are. After all, as alumni, you are forever linked to UNB Law; when its star shines brightly, it reflects on all of you too.



## LAW STUDENTS SECURE CLERKSHIPS at the Ontario and Federal Court of Appeal

Continuing to punch above its weight, UNB Law, with a 2022 grad class of seventy-nine, secured two of the sixteen clerkships at the Federal Court of Appeal. Patrick Leger (JD '22) and Katherine Peterson (JD '22) will clerk for justices David W. Stratas and Wyman W. Webb.

Peterson is excited to join the FCA in August 2023; she looks forward to the value this unique opportunity will bring and hopes it will provide clarity for her future career path.

"I hope that this experience, combined with my articling year, will help me decide what area I want to focus on when pursuing a master's degree. I always knew a master's was on the horizon for me, but I want to take advantage of opportunities such as this clerkship before turning my attention back to school."

UNB Law will once again send a clerk to the Ontario Court of Appeal. Third-year student Mark Browne looks forward to observing and supporting the work of the Court in what he expects will be a tremendously intellectually satisfying experience.

"Working alongside justices at one of the country's top appellate courts will sharpen my legal research and writing skills, expose me to appellate advocacy and allow me to continue public service, having already served the legislative and executive branches of government. Most of all, it will place me at the centre of pressing debates on substantial questions of law affecting society and the administration of justice."

Mark's clerkship is the third that UNB Law has secured at the Ontario Court of Appeal since 2019.

*“Working alongside justices at one of the country’s top appellate courts will sharpen my legal research and writing skills, expose me to appellate advocacy and allow me to continue public service, having already served the legislative and executive branches of government. Most of all, it will place me at the centre of pressing debates on substantial questions of law affecting society and the administration of justice.”*

Fellow grad Ben Roizes will clerk for the FCC’s Hon. Justice Elizabeth Heneghan beginning in August 2023. In reflecting on the difficult application process, Roizes recognizes the extensive support he received from the law school throughout the application and interview, that including being assigned a faculty mentor by the career services office.

“Thank you to my mentor, Prof. Norman Siebrasse, who was not shy to point out deficiencies in my cover letter that I would not have caught otherwise, and to Prof. O’Byrne, who provided helpful feedback and a reference letter. After receiving an offer for an interview, Prof. Thomson and Dean Marin got on a Zoom call with me within minutes to offer advice on how to prepare for the interview. All of this support was critical to my success.”

## **UNB Law sending two students to the Tax Court of Canada**

Additionally, Daniel Escott (JD ’22) and Isaac MacLellan (JD ’22) have secured two of the fifteen clerkship positions offered by the Tax Court of Canada (TCC) to Canadian law graduates. This is the first time the law school has sent multiple students to clerk at the Court in the same year. The pair will begin their 12-month work terms in Ottawa in the summer of 2023.

The TCC clerkship program is unique. Rather than being assigned to one Judge, clerks work in a pool, assigned to individual cases.

“We will have the opportunity to work with all the judges of the court,” said Escott. “This allows us more opportunity to engage with different kinds of subject matter, as each judge has their own niche. We will prepare bench memos, do a lot of research, and may travel with the judges to attend more complex hearings.”

The recruitment process for the TCC is intensive. Short-listed applicants must first complete a written exam, followed by an interview with a panel of three judges. According to Escott, it was the most challenging job application he has ever participated in.

“It’s an exam on tax law—and it is substantive. You are given an obscure case that the TCC has recently decided. You brief it in a way you would for the bench, and then you provide your objective interpretation of the case—where it stands in your understanding of Canadian tax law.”

For Prof. Vokhid Urinov, UNB Law’s resident tax expert, having two students selected in the same year represents a big step forward for the law school’s tax law programming.

“Our tax law program has evolved greatly over the last few years. Our tax clinic has been a runaway success, recently completing its third year of operation, and our Bowman Tax Mooting team had its best performance to date. I believe this year’s success at the TCC demonstrates that our program is gaining trust and goodwill with the Court and that our increased presence will strengthen our relationship with Ottawa.”

Congratulations and good luck to this impressive group of six, and thank you to the many faculty and staff members who offered their support. We also wish the best of luck to recent alumni who will be beginning their clerkships in just a few weeks, Erik Arsenault (JD ’21), who is clerking for Hon. Justice Andromache Karakatsanis at the Supreme Court of Canada and Lori Wareham (JD ’21), who is clerking for Hon. J.D. Denis Pelletier at the Federal Court of Appeal.

*Photo: Clerkship recipients (left to right): (Back) Mark Browne, Ontario Court of Appeal; Isaac MacLellan, Tax Court of Canada; Ben Roizes, Federal Court; Daniel Escott, Tax Court of Canada. (Front) Patrick Leger, Federal Court of Appeal; Katherine Peterson, Federal Court of Appeal.*

# CHANGEMAKER AND VISIONARY

## *Cherrill Edwina Shea receives UNB Alumni Award of Distinction*



Cherrill Edwina Shea (LLB '72) has been recognized as a 2022 recipient of the Proudly UNB Alumni Award of Distinction. Cherrill has had a long and interesting legal career that involved complex business litigation in Canada, the United States, and Europe. She also worked in the cellular telephone industry in the U.S. and was a pioneer in the mobile data industry in the 80s and 90s in North America, Europe and Australia. She has been an ardent supporter of UNB Law, where she has made a lasting impact through scholarship support and as a member of the Dean's Advisory Council. She is planning the creation of a centre at UNBLS focused upon civil liberties and civil rights with funded chairs.

Her contributions are perhaps best characterized by a former classmate and long-time friend, retired Justice of the Court of Queen's Bench of New Brunswick Gladys Young (LLB '72), who, at the 2022 UNB awards ceremony, said: "Cherrie was and continues to be an inspiration and role model to women. I think what she has proven and demonstrated is that irrespective of gender, irrespective of your place of origin, with determination you can excel and you can succeed in whatever field you choose to practice in—and wherever that practice may be."

Cherrill recently sat down with Nexus to share some highlights and insights from her fascinating career in law and business.

### *Building a legal career as a female in the 70s*

Cherrill built upon an all-New Brunswick education to forge a career well beyond the borders of the province. Born in Saint John, she earned her BA at UNB in 1969 and her LLB from UNB Law in 1972—as one of just five women in her class.

"When I attended UNB Law, the faculty was entirely male, and women among the students were few—and unwelcome by some," recounts Cherrill. "When told that we were taking the place of men or that we would make fine legal secretaries, we were not deterred. All five of the women in my class worked in their chosen profession until their retirements in government, as a judge, or in private practice. Law school taught us that we had to exceed by a wide margin and that, if an opportunity arose, it had to be seized then and there."

Cherrill began her career at what is now Stewart McKelvey in Saint John, where her work was focused on litigation. While working as an articled clerk (a condition to bar admission) and supplementing the clerkship's meagre income by working each evening as a waitress at the now-long-gone White House Lodge, Cherrill's first opportunity to distinguish herself arose.

The McKelvey firm was engaged by a New York City firm to act for a notorious financier, Bernie Cornfeld, who was embroiled in a massive corporate litigation with another notorious financier named Robert Vesco. For peculiar jurisdictional reasons, the litigation had to be brought in Saint John.

"I was assigned to assist in the case, and, accordingly, on every court day, I put on a black robe and attended the proceedings to assist Neil McKelvey, QC, and each evening I traded my robe for a waitress's uniform and trudged off to the White House Lodge to serve guests steaks and seafood I could not possibly afford."

One Friday evening after court, Cherrill went to the restaurant when Vesco's lawyers from New York, Washington, D.C., and New Brunswick arrived for dinner. She recognized them, but they did not recognize her. Three years in law school had taught her that these lawyers, all men, were about to make a mistake and that their likely indiscretion was her opportunity. She did what every law-school-trained waitress would know to do in the circumstances and contrived to serve their table and listened.

While serving Vesco's lawyers, she learned that they had arranged to put one over on Neil McKelvey by serving emergency motion papers on Neil's firm late that day after business hours—when they knew that Neil had gone sailing on the Saint John River for the weekend. The motion was returnable on Monday morning in Fredericton when, they were certain, Neil would not be present since he would know nothing of the motion. Cherrill took that information that night to another partner in the firm who had a boat with a radio, and the pair called Neil to advise him of the plot. Neil sailed up the Saint John River to Fredericton and was waiting on the courthouse steps when the plotters arrived for the hearing on that Monday morning.

***"They never knew how their plot was foiled and would never admit that their indiscretion was their undoing or that they were outwitted by a waitress for whom they left an ungenerous tip. They would hardly have understood that their design unraveled because women law students at UNB had been hardened by experience and knew to act decisively when the need arose."***

Later Cherrill moved to New York City and worked at a law firm in corporate and securities litigation. She worked on major complex litigation and arbitration matters in the U.S. and Europe for diverse corporate and commercial clients including matters involving oil transportation and storage that were conducted in Europe against state oil companies that defaulted in their payment obligations. These disputes were often between parties coming from different legal systems. The disputes could be framed as contract issues, but with no clear agreement upon what law applied, no generally accepted business practices, no common objectives of the parties, differing languages, and wildly different views of facts, truth, and evidence.

### ***War, oil, and arbitration***

"During the Iran-Iraq war of the 1980s, Syria lost access to the Iranian oil pipeline and was forced to pick up their oil at Iran's Kharg Island oil terminal in the Persian Gulf—which was being bombed by Iraq. My husband and I represented two Greek ship operators, cousins, who specialized in high-risk shipping, and who had won a lucrative Syrian contract of affreightment to move the oil from Iran to Syria without specifying the means."

From a mechanical standpoint the trade was very effective. Oil was picked up at Kharge Island by huge tankers that moved the cargo to the Red Sea where it was transhipped to small tankers that could transit the



Suez Canal and deliver the oil at a Syrian Mediterranean port. However, from a commercial standpoint the trade was troubled from the outset. For every delivery of crude oil, the Syrians claimed a shortage having a value slightly in excess of the cost of freight, paying Cherrill's clients nothing.

"As the freight due grew, our clients sought to work out the issues but could not, and finally turned to us. They explained that they were due \$19 million (US) for unpaid freight. Our clients informed us they were to take one more load of crude oil worth \$80 million, and we said to pick up the oil and do not deliver it; the Syrians will then talk to you. And, of course, the Syrians did, after making threats of imprisonment."

An agreement was reached that the matter of the unpaid freight would be decided by the International Chamber of Commerce in an arbitration which the Syrians insisted be in Damascus or Paris at their sole option. The critical element of the agreement was that the Syrians would put up a letter of credit for \$19 million at a London bank payable against an arbitration award.



*“I owe UNB both for my formal education and for the less formal, but equally valuable, instruction in the need for judgment, integrity, and resilience.”*

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“The Syrians, no fools, chose Paris for the arbitration to our great relief. Our clients chose one arbitrator—a professor of law at the Sorbonne—the Syrians chose one arbitrator—a professor of law at the University of Damascus. Those two chose a third, the then recently retired Chief Justice of France, who held the arbitration sessions in his office at the Palais de Justice. We chose a French lawyer to work with, and the Syrians brought in a number of government lawyers.”

The arbitration sessions went for two weeks every three months for two years. Witnesses were heard in French, English, Greek, and Arabic. Arguments were made in French. Cherrill and her team pressed for a conclusion to the arbitration before the expiration of the critical letter of credit, and, with only days to spare, received an arbitration award of \$21 million (freight, interest, costs, etc.). They swiftly presented the award at the bank in London that issued the letter of credit, but the bank, an Arab bank, refused to honour its own letter of credit upon diverse grounds including the Syrians’ motion to set aside the arbitration award on the ground that the chief justice was senile.

“We hired solicitors and barristers in London to work with to compel payment by the bank on the letter of credit. We succeeded and collected the funds after which we met the Syrian lawyers again who asked how we would address the uncollected portion of the award. We said that we would seek to arrest a Syrian vessel in the Suez Canal and collect the balance. They said, ‘If you do that, we will kill you.’ We did, and they didn’t.”

### ***A leader in telecommunications***

Later in her career, Cherrill, at the request of clients, became a member of the senior management of an entrepreneurial telecommunications company in the U.S. that pioneered in the cellular telephone and mobile data businesses. In that role, Cherrill worked on securing telecommunications licenses necessary for network operations.

“It was an interesting time but it was very difficult being an entrepreneur and battling against the landline telephone companies which had all the money in the world. In each case, tricky regulatory

issues were involved, and, in Europe and Australia, substantial resistance from established carriers complicated the processes.”

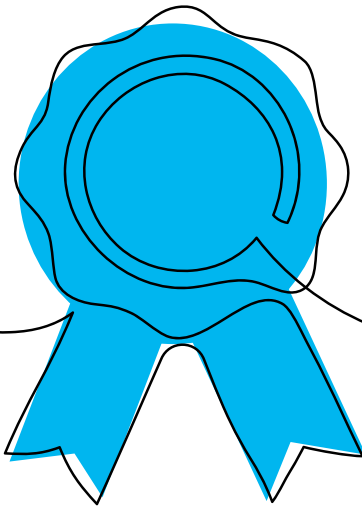
By the time the dust had settled, the company had secured licenses across the United States, the United Kingdom, the Netherlands, and Australia and was later sold to Bell South, a major U.S. telecoms operator.

### ***A lasting relationship with UNB Law***

“I owe UNB both for my formal education and for the less formal, but equally valuable, instruction in the need for judgment, integrity, and resilience. Some legal careers are shaped by client relationships that mean, in practice, that lawyers become involved in whatever legal issues a client has to face. For lawyers whose careers are defined by ever-changing client needs, the value of a law school education is not limited to the substance of the law, but, rather, extends to preparation for confronting problems for which the answers are not to be found in books and libraries.”

Cherrill has long been a supporter of UNB, through volunteerism and through the establishment of the generous Cherrill Edwina Shea and Carl Robert Aron Scholarships. Looking back upon her experience and her commitment to UNB, Cherrill said: “The standing of women has, of course, changed greatly with time. Still, challenges remain and can be met only by well-educated people, including people whose financial circumstances, like my own, made the cost of education a challenge in itself. I hope that the scholarships that I have been funding ameliorate the financial difficulties of promising scholars’ obtaining needed education. I am also working with UNB to assure a continuing focus upon the study of and support for civil rights and liberties and the rule of law because those matters never lose significance.”

Cherrill said: “To the law professors who said that I was taking the place of a man, my answer then was and is now: “You got that right!” But to them, I also say “Thank You” because they helped to prepare me for what was to come in a long and interesting career. My support of UNB is in some part an expression of that thanks.”



# ASH ARSENAULT

*wins 2022 Chief Justice Richard Wagner Award*

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**A**sh Arsenault (JD '22) has been awarded the 2022 Chief Justice Richard Wagner Award by Pro Bono Students Canada. The award recognizes the organization's outstanding student volunteers across the country, celebrating their commitment, positive impact, leadership, and professionalism.

Ash has worked with UNB Law's PBSC Chapter for the last three years and has been instrumental in the continued success and growth of the Trans ID Clinic, an initiative that provides free legal information, form-filling services, and referrals in a space that strives to be trans-positive, non-judgemental, anti-oppressive, and inclusive. The Clinic specializes in assisting members of the trans community who are interested in changing their name and/or gender marker on their legal identification—a complicated process as information is not always accessible. For Ash, the work of the clinic is critical for helping members of the trans community feel safe and respected.

"It is really important for people to have identification that correctly reflects who they are," said Arsenault. "Not just for self-fulfillment but for safety reasons too. If someone has an encounter with the police, is travelling at an airport, or even just at a liquor store, there's always a risk of discrimination or harassment that can weigh heavily on people. Correct identification can help people feel more at ease with themselves and with the people around them."

Ash's involvement with PBSC was not something he had planned. Like many first-year law students, the promise of free pizza at an info session was enough to pique his interest.

"I was working part-time and didn't really think I had time for PBSC, but I went anyway—I knew they had free pizza [laughs]. They were going through all of the different programs that you can work on, and the TransID Clinic



*Ash has worked with UNB Law's PBSC Chapter for the last three years and has been instrumental in the continued success and growth of the Trans ID Clinic.*

came up. I had no idea it was a pro bono project. I'm part of the trans community myself; I work with queer and trans youth. So, when I saw that project, I knew it would be really rewarding and knew I wanted to be a part of it."

During Ash's time with PBSC UNB, the clinic has grown from a small, Fredericton-based service to operating virtually throughout Atlantic Canada. While the plan for the clinic was always to expand outside of Fredericton and offer services to the region's entire trans community, the pandemic expedited the process.

"The plan was always to expand the clinic because these services are needed everywhere. The sudden jump to a virtual world turned out to be a blessing in disguise for us."

With in-person clinics no longer an option, Ash and the rest of the PBSC volunteers moved the clinic online, partnering with volunteer lawyers at firms across Atlantic Canada to expand its reach. Since the shift to virtual, each clinic has been fully booked, demonstrating the region-wide need for these services. Last year, Ash helped formalize a partnership with McInnes Cooper, which is providing

volunteer lawyers from each of their Atlantic Canadian offices.

Not only has the move to virtual clinics improved accessibility by expanding the work across provincial borders, but it has also helped provide a safer space for those in need of these important services.

"I think it's safer and less intimidating. Clients can meet with us privately, from home; they don't have to show up and be afraid of who's going to see them."

Since graduating in May, Ash has returned to his native PEI, where he is articling with Stewart McKelvey in Charlottetown. When asked if he plans to incorporate pro bono work into his career moving forward, he replied, "My work with PBSC's TransID Clinic was the most important and impactful experience of my entire time at law school. Incorporating pro bono work into my career is now mandatory for me; I can't go without it, and I have the PBSC to thank for that."

Ash plans to continue to volunteer with the TransID Clinic as he completes his articles.



# NEW LEGAL CLINIC

*aims to improve access to justice through experiential education*

**T**he fall of 2022 will be historic for UNB Law and the Province of New Brunswick. In late September, the law school will welcome the very first clients to the UNB Legal Clinic—the province’s first full-time poverty law clinic offering legal representation to operate in over 30 years. The clinic provides free legal services to individuals who cannot afford a lawyer and who do not qualify for legal aid. Students, under the direct supervision of a full-time staff lawyer, will work on client files relating to housing and tenant matters, social benefits, employment law, and small claims. Students will also represent clients before administrative tribunals such as the Residential Tenancies Board, the Labour and Employment Board and Social Assistance Appeals Board.

*Left to right: Sean Murphy (3L), MacBeath Fellow; Jeannette Savoie, Supervising Lawyer; Kathy Wilson, Acting Vice President Academic; Paul Mazerolle, UNB President*

# *The Legal Clinic is a cornerstone of UNB Law's Strategic Plan and the first step in achieving its ambitious goal of offering Canada's most innovative experiential learning program.*

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"The opening of the Clinic is a tremendous accomplishment for our law school," said Dean Marin. "It has been a long time coming; we are really looking forward to offering support to community members in need of these critical legal services."

The Legal Clinic is a cornerstone of UNB Law's Strategic Plan and the first step in achieving its ambitious goal of offering Canada's most innovative experiential learning program. For Dean Marin, the Clinic aligns with the faculty's commitment to offering a transformative legal education for the future.

"We are supplementing our historically liberal approach to legal education with experiential programming that helps students apply what they learn in the classroom to real-life problems. We are known for our 'career-ready' curriculum; it makes sense for us to embrace experiential learning as a natural extension of our program."

## ***Meet the Supervising Lawyer***

The clinic will be led by Supervising Lawyer Jeannette Savoie, who brings nearly 20 years of practice experience to the position, including ten years with the Legal Aid Commission of the Northwest Territories. Ms. Savoie believes strongly in promoting access to justice through actions rather than words. During her time in the north, she established and operated the Outreach Legal Aid Clinic, which provides free legal representation to low-income people in matters relating to housing, disability and pension-related matters, employment issues, mental health and guardianship reviews, child protection matters, and debtor, creditor or civil claims.

In addition to this work, Ms. Savoie partnered with Indigenous communities and the NWT Legal Aid Commission to conduct fly-in poverty law clinics and other mobile legal clinics for isolated communities. Her advocacy work has made a significant impact on these communities, expanding legal services and access to justice throughout the Northwest Territories.

A native of New Brunswick, Ms. Savoie earned a law degree from the Université de Moncton and an LLM in family law from Osgoode Hall Law School. She has appeared before all levels of court in the New Brunswick and the Northwest Territories. In 2016, Ms. Savoie was named a National Legal Aid Leader by the Canadian Bar Association, recognized for her dedication to access to justice and her efforts to expand the range of legal services available to low-income, marginalized or geographically isolated populations.

## ***A truly experiential learning opportunity***

The Legal Clinic is structured as a 6-credit course open to third-year students. It runs from September to April and then from May to August. Initially, the program will accept ten students for the 2022-23 academic year, with two students working at the clinic during the summer thanks to the generous MacBeath Fellowship. Fall clinical placements begin with an intensive orientation, including training in the areas of professional responsibility, practice management, client communication, cultural competence, and trauma-informed lawyering. In late September, the students will begin taking clients. They will work on files under the direct supervision of Ms. Savoie, per the Law Society requirements relating to student competency to practice law.



The Clinic will be housed in the Fredericton Downtown Community Health Center (FDCHC), which operates as a unique partnership between the University of New Brunswick and Horizon Health Network.

“Housing the new UNB Law Clinic at the FDCHC aligns well with our mandate,” said Dr. Kelly Scott-Storey, Director of Community Research Scholarship and Teaching. “It will be such an incredible service to many vulnerable and marginalized groups of people, as well as a rich experiential education opportunity for students. It highlights once again the commitment of UNB to our community while concurrently providing exceptional education opportunities.”

Clinic hours will be Monday to Thursday, from 8 a.m. to 8 p.m. Students will dedicate between 9 and 12 hours per week to their work at the clinic, covering at least one client intake shift. The students will meet with clients both during the workday and in the evenings to ensure the clinic remains accessible to the community.

“It is excellent training for law students,” said Ms. Savoie. “The experience in a legal clinic will make better lawyers. They will have practiced, they will have seen what an affidavit looks like—they will have prepared one—they will have interviewed clients, and they may have stood up in front of a court and pleaded the case. It will also make them better articling students. When they’re handed their first file by the associate, they won’t be terrified. They will know where to start because they will have seen files and will know the process.”

The Clinic also includes a weekly three-hour in-class session on Friday mornings. This time is dedicated to discussion and reflection and for guest speakers, who will also present on a variety of topics during these sessions.

“When you see someone has worked in a legal aid clinic it speaks to the values of that candidate,” said Pierre Castonguay, Executive Director of The New Brunswick Legal Aid Services. “It shows that they care about their community, that they have empathy for individuals and want to make a difference. More than ever, employers are looking at the type of employee they’re hiring as opposed to how strong academically the candidate is.”

### ***Improving access to justice***

The Clinic aims to improve access to justice in the province by filling the gaps in New Brunswick’s legal aid system. A means test similar to that of Legal Aid will determine eligibility. Services are targeted to individuals on income assistance, with no income,

# *The Clinic aims to improve access to justice in the province by filling the gaps in New Brunswick's legal aid system.*

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or who are making minimum wage, and who do not qualify for legal aid.

“Right now, in New Brunswick, there are no legal services for people who cannot afford a lawyer in matters that are not covered by legal aid,” said Savoie. “There’s no representation. That is the key benefit our full-time clinic will bring to the table. That’s why this is so important, not just for UNB or just for this community, but for the province. I hope to instill in these students that this is important work—probably the most important work they will do in their entire careers because it makes a real difference.”

For Castonguay, the legal clinic will be a tremendous step forward for access to justice in the province.

“We worked closely with the law school to determine what services needed to be offered to improve access to justice for the community. It was clear that landlord and tenants’ rights was an area of law that the commission does not cover, yet there’s a high demand for—especially with what we’re seeing now with evictions and forced evictions. We have also seen a high-demand for pandemic-related employment issues such as CERB repayment. Independent legal advice offered by the clinic will be extremely valuable in these areas.”

## ***A fellowship supporting the Clinic***

UNB Law owes a debt of gratitude to the friends and family of the late Donald A. MacBeath, QC, a distinguished lawyer from Marystown, NL, known for his unwavering commitment to access to justice and remarkable service to his community. This group generously established the MacBeath Fellowship, an award valued at up to \$5000 that supports students through their summer placements with the Clinic. MacBeath Fellow Sean Murphy (3L) has been hard at work since the end of term, collaborating with Savoie to research best practices, drafting policies and procedures, and creating a manual for the incoming students.

Future summer placements will ensure the continuity of the Clinic beyond the end of term. MacBeath Fellows will carry client files from May to the end of August, handing them over to the next set of clinicians at the start of the fall term.

## ***Recognizing those who made this possible***

Bringing the dream of a fulltime, in-house legal clinic to fruition has been a long and challenging journey. The Clinic has come together thanks to the support and hard work of several key stakeholders beginning with the many people who, over the years, pushed for a legal clinic at UNB Law. Thank you to those who helped with the recruitment and hiring process: Professors Janet Austin, Alope Chatterjee and Ben Perryman, and Pierre Castonguay, Executive Director of The New Brunswick Legal Aid Services Commission. As Chair of the Legal Clinic Committee, Prof. Austin deserves special thanks for doing much of the research and preparatory work for this program.

UNB Law would like to recognize the generous support of the New Brunswick Law Foundation (NBLF). Thanks to a \$50,000 NBLF grant, the UNB Legal Clinic has hired a Client Development and Community Outreach Coordinator. This person organizes outreach activities on behalf of the Clinic and acts as a liaison between the Clinic and local partners to facilitate access to justice for low-income individuals throughout New Brunswick.

Finally, a special thank you to UNB President Paul Mazerolle and Acting Vice President Academic Kathy Wilson, both of whom ensured the Clinic is fully supported by the University.

If you would like to get involved with the clinic, as a volunteer, a guest speaker, as an advisory board member or by making a donation, please contact [lawdean@unb.ca](mailto:lawdean@unb.ca) or call 506.453.4627.



# Award-winning performances at Sopinka & McKelvey Cup

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The all-Newfoundland team of Mark Browne (2L) and Alden Spencer (3L), finished in third place at the 2022 Sopinka Cup moot. The Sopinka is the preeminent trial advocacy competition that sees the eight regional winners battle for the top spot in the nation annually.

In addition to this impressive team result, Mark Browne was awarded Best Opening and Best Overall Advocate by the judging panel.

“It’s a humbling recognition,” said Browne, “one I was not expecting given the high calibre of competitors from across Canada. Justice Jamal of the SCC gave a speech at the closing reception; he cited a quote, ‘the best cases are not won in the oral argument, they are won at the library.’ We all worked very hard as we approached this moot, so that line resonated with me.”

The UNB team is comprised of 4 students. Teammates Raylene Mackey (3L) and Duncan Wallace (2L) were instrumental in the team’s overall success, providing materials and

support throughout Browne and Spencer’s preparation for the Sopinka.

Coach Prof. Thomson was impressed by the student’s willingness to work extremely hard, take a great deal of constructive criticism and consistently improve and innovate.

“This moot requires a lot of work and dedication; it also requires resilience and the ability to bounce back when something goes wrong. It requires street smarts, common sense, and quick thinking. Snacks are also a big help given the length of our practices.”

## *The road to the national competition*

In late February, the team secured their spot in the national competition by winning the Eastern Canadian regional round, the McKelvey Cup, defeating Schulich Law and Université de Moncton. This was the first time in 20 years that UNB Law students achieved this honour. In addition to the top prize, UNB won a slew of awards; Browne won Best Opening,

Best Cross-examination, and Best Overall Advocate, while Spencer won for Best Direct Examination. This is the second year in a row that team UNB nearly swept all awards.

For Browne, getting to share this experience with fellow Islanders made it all the more meaningful.

“This is probably one of the most satisfying parts of the win, that four Newfoundlanders & Labradorians were the ones to bring this home to UNB after two decades. We are natural storytellers, but without the artful skills we learned in Trial Advocacy with Jim Lockyer and from Prof. Thomson, our natural abilities would not be enough. Combined, though, they proved to be a great combination.”

Teammate Alden Spencer added, “The most surreal part of the entire experience is that Mark and I have known each other since childhood. We grew up in the same small town in rural Newfoundland and Labrador—Marystown—only a few years apart. As the only two kids from Marystown in law school right now, it’s incredible to be the ones to break that 20-year record.”





Left to right: Mark Browne, Alden Spencer, Prof. Jane Thomson, Raylene Mackey, Duncan Wallace

The award-winning team is coached by Professor Jane Thomson. A requirement of the moot was that all participants take Trial Advocacy in the fall, which was taught by Jim Lockyer (LLB '75). In this class students learn, among other things, the art of the cross and direct examination, and crafting an effective—and memorable—opening and closing statement.

***“I attribute our success first and foremost to bringing Jim on board to teach trial advocacy to our students,” said Prof. Thomson. “The first year he came to the school to give a couple of talks. The second year he came and gave intensive lessons to our mooters. This year he taught the fall trial advocacy course. I hope he continues to help us with this for as long as he can!”***

Dean Marin believes the faculty is beyond lucky to have such a skilled alumnus support the McKelvey/Sopinka effort.

“Prof. Lockyer has had a truly amazing career,” said Dean Marin. “He is a world-renowned expert in trial advocacy. Having him bring his expertise back to our law school has played a huge role in our growing success at the McKelvey/Sopinka. We have a lot to thank him for.”

Prof. Thomson is the mooting coordinator for the faculty, overseeing the process from start to finish. In addition to her McKelvey/Sopinka coaching duties, she is responsible for determining which moots will be prioritized by the faculty, the recruitment of coaches, and training, including organizing appellant advocacy workshops. She also coordinates and runs UNB’s annual in-house moot, the Harrison Shield.

Prof. Thomson formalized this approach to mooting in 2017. Under her leadership—and with the support of the many faculty members who coach—this approach has resulted in

consistent high-quality performances and greater results year-over-year.

“We have created a culture of excellence around mooting at UNB,” said Dean Marin. “Competitive mooting is something we aspire to, something that we can succeed at, and something that we expect to do well in—we expect to win prizes and competitions. This culture very much comes from this formal structure that Prof. Thomson has established and leads.”

When asked how she felt to see the team win the McKelvey and place 3rd in the country, Prof. Thomson replied: “Surreal. But not surprising given the caliber of our mooters. Next year we’re going to win it.”

Congratulations to the 2022 McKelvey/Sopinka Team.

*A conversation with  
Commissioner of  
Official Languages  
for New Brunswick,*

**Shirley  
MacLean**



**I**n the latest episode of the UNB Law Podcast, Dean Marin sits down with Shirley MacLean, QC (LLB '90), Commissioner of Official Languages for New Brunswick. The pair discuss MacLean's influential decision to study French at Université Laval; her first four years as a lawyer in private practice and her eventual move to the Law Society of New Brunswick; the challenging work involved in her role as Registrar of Complaints; strategies lawyers can use to prevent complaints and how to respond if a complaint is filed; her role as Commissioner of Official Languages and the strengths of New Brunswick's bilingualism; her response to criticism of bilingualism in the province, debunking myths, and promotional work; and advice on building a career outside of private practice. We hope you enjoy some of the highlights of their conversation.

*Can you tell us a little bit about what you studied before going to law school?*

After graduating with my political science degree, I really didn't know what I wanted to do. I had thought about going to law school, but there were a couple of friends of mine from StFX that were talking about going to Université Laval to learn French. I hummed and hawed about it, quite frankly, but then I decided as well to go to Quebec City to learn French—and everything that's happened in my career sort of stems from that period of time.

I studied what was a program called *French for Non-francophones*. I did a year and a half of that, and I also worked in Quebec City in the tourist industry. Following that, I went to work in Ottawa for a little while, and then, again, a number of us just really didn't know what we were going to do and worked some jobs and then finally made the decision to do something further in terms of education and applied to UNB Law.

*Can you expand a bit on your decision to study French as an anglophone?*

During the years that we were growing up, we saw the constitutional talks in Canada that led to the repatriation of the *Constitution* in 1982 and the *Charter of Rights and Freedoms*. With those constitutional negotiations came the butting of heads with René Lévesque and Pierre Trudeau—the push and pull of federal relations between Québec/Ottawa. I was really brought up with an understanding of the importance of the province of Québec to this country; the importance of the fact that we're a bilingual country. So, the desire was there on my part. I think you have to have the desire to do it, but you also have to have the means. I didn't come from a family that had a lot of money, and I worked every summer because I needed to have the funds to go to university. But there were bursary

programs that were very good, that enabled students such as ourselves to go to Laval and be able to study French and be able to do so with a small part-time job.

*What was behind your decision to attend UNB Law?*

I had thought about it in the past. You have the idealistic views in your mind of things that you can do as a lawyer—you can help people potentially. It just seemed to me something I would be interested in. My brother had gone to law school at Dal, and he survived it, so I thought, well, I could probably do it too. I was always attracted to New Brunswick, again, knowing it was a bilingual province. I thought perhaps there would be more opportunities there for me to be able to use my French because I had recently learned it—if I wasn't going to use it, I was going to lose it.

*Let's talk about your first few years as a lawyer. You started in private practice in Fredericton. Can you tell us a little bit about what that was like?*

I always wanted to do some litigation, and in a large firm, as you know, when you're starting out, you're not going to be doing a lot of litigation. You're going to be doing research and that type of thing. It's a business; you learn that it's a business; you have to learn that business. I was able to do other [types of work] because I was bilingual. I was able to do some contract work as a Crown Prosecutor—in terms of taking on some smaller files because I hadn't been out very long. But initially, I practiced mainly real estate, labor, some criminal, wills and estates. One thing I found about working at a larger firm as well is that I got to work on some different, interesting files that you might not in a smaller firm because they would attract, perhaps, a larger institutional client. I got to work on some interesting opinions and things like that, so it was a very interesting, very busy four years.

*You spent a great deal of your career at the Law Society of New Brunswick, where you eventually became the Registrar of Complaints. What motivated you in that role? Why did you feel that role was so important to you?*

Professional regulation is interesting. My favorite course in law school was administrative law—and that's admin law in its purest form. There were a few cases obviously that were more difficult than others, but I'd have to treat each complaint sort of dispassionately—protection of the public was important. It was interesting work. Quite frankly, you never knew what was going to come from one day to the next. The executive director, Marc Richard, would often say, "we've kind of seen it all; nothing surprises me anymore." Well, there were still days I'd be surprised.

We have mechanisms in place—or had mechanisms in place—such as a compensation fund that members pay into to assist people who suffer losses. Often, we hear about when doctors are suspended, or they go off into the sunset. Patients look for their file. When, for example, the sole practitioner is suspended, they appoint someone to take over those files, and to contact those clients and make sure that the files are transferred. So, there's an element of assisting the public in a very real way. There are also situations where you're assisting members. When I talk about mental health stream in terms of professional regulation, there are cases where you don't throw the rock to the member, you have to throw the rope—those are important cases too.

It's difficult work. We'd have national discipline administrators' meetings annually. We had colleagues, one time, that were doing a presentation with respect to a member. There was a defalcation, and the member committed suicide. When they

were presenting that to us, they were crying. They would know that member. These are difficult files. Sometimes it results in the end of a career—you're taking a professional license from them. But oftentimes, there's hope at the end of that too. I've seen situations where the day a situation came apart for the member—the lies fell apart—it was also the best day of that person's life. I think because at that point, the truth was being revealed, and all of that was gone for them so and you can move forward.

*Are there any sort of patterns or common triggers that emerge when a lawyer gets in trouble? Is there anything that we could do better in terms of preventing those things from happening?*

I think across the country my colleagues will say communication. That's the major area where things arise—from lack of communication with clients. There are other issues with respect to competence. In my later years, I was seeing more of an issue in terms of being competent to do the job. I would see more and more often members that were doing things that they did not have the legal skills to do, and no fear around that.

If you have a file on your desk that you just don't want to touch—and we all have them—the one that you want to do last and sort of sits in the corner. You've got to do that one first. That's [the one] that can come back to bite you, and if it's bothering you, there's a reason.

*Can you tell us about your current role as Commissioner of Official Languages? How you see your mandate and what your priorities are?*

Officially the mandate is to investigate. [The role is] sort of the “watchdog” and the “promoter.” The watchdog, to investigate complaints and make recommendations to government about meeting their obligations under the *Official Languages Act*, and also to promote both official languages in the province. When I applied for the job, my emphasis was on education. I personally see it being a great asset that we're a bilingual province. Sometimes you hear in the political discourse negativity around that, and my feeling was, when I applied for the job, that education really is the key—to talk a little bit to New Brunswickers about the positive aspects of bilingualism.

*What are some of the positive aspects of New Brunswick's bilingualism in your mind?*

I think we've got a different culture here than other provinces, in terms of Acadian or Brayon culture and music. We have more mutual respect because of the fact that we're a bilingual province. I think it's an asset in terms of economic development—we do attract business to New Brunswick because we are a bilingual province. We do have companies that set up offices here because we're bilingual. We do attract immigrants to New Brunswick because we're bilingual. There's actually a higher rate of retention of francophone or Francophile immigrants in New Brunswick than non-francophone immigrants. Overall, it's a positive thing. We have a bilingual province, where we have more of an open mind, [are] more open for business, and more open for acceptance of other people.

*The Official Languages Act seems to provide fairly comprehensive language rights, but how are we doing in terms of actually putting them into practice are we living up to the promise of the Act?*

There's always work to be done for sure. I think we've come a long way. It's important that your listeners understand the *Official Languages Act* sort of speaks to institutional bilingualism, [the Act] applies to government institutions, professional associations, not to private industry. I'm not going to consider a complaint from someone who says they didn't get service in the official language of their choice at Tim Horton's. With government institutions, there are ongoing problems, but one of the things that struck me when I started in the position is that there certainly is buy-in. From government there's a keen understanding of what's required of them under the *Official Languages Act*. There's a desire to comply, but in some cases, it's difficult. Where the problems arise are often with the larger government machines, Service New Brunswick, that give us our licensing or frontline sort of services to the public, and then the health care system. There are more opportunities, the larger the body is, to not to be able to provide the service. So those are the institutions that I see sometimes [where] we're having more difficulty putting into practice. They're aware of it, they're always willing to work to improve, to try and put the recommendations in place, but sometimes it's difficult because the bilingual capacity isn't there, the staffing isn't there.



*What do you tell New Brunswickers who have a feeling that official bilingualism has gone too far in our province?*

We get those types of complaints and comments, and I think a lot of what's around that are myths—today we call it fake news, I guess. "I can't get a government job because I'm not bilingual." Actually, close to 60 percent of government positions are not bilingual positions. If you can give people correct information, that's really all you can do. My role will certainly be, as long as I'm here, to promote the positive aspects of [bilingualism] to take those myths that exist and debunk them, because there generally are myths.

*What advice would you have for the law student who are looking for a career in something other than private practice?*

The first piece of advice is if you are interested in something else, recognize that. A lot of people feel that if they don't go [the private practice] route, you're somehow less—you haven't quite made it. Having a law degree gives you the capacity to think a certain way; it's a valuable degree. You have to

leave your mind open to other possibilities because you may not think that you can do certain things, but it's seen as an asset with potential employers. You have to keep your mind open to those possibilities. Don't think that you have to go that route. I even have friends who are my age that I know should have done something else—they would have been a lot happier. But they felt this was what [they] had to do to be a successful lawyer. Keep an open mind and you can do some pretty interesting things. I say to my son, who is in his early twenties, you sort of stumble into things as you go through life to some extent. You'll do one thing and then a door opens—and you can't plan it all.

To watch the full conversation with Ms. MacLean, and other episodes including The Hon. Frank McKenna, Simone Cole, Lydia Bugden and Ian Putnam, please visit [unb.ca/lawpodcast](http://unb.ca/lawpodcast).

# Patrick Leger

## WINS INAUGURAL JUSTICE ROSALIE SILBERMAN ABELLA PRIZE



Patrick Leger (JD '22) has been named an inaugural winner of the Royal Society of Canada's (RSC) Rosalie Silberman Abella Prize. The RSC established the Prize in honour of the recently retired justice, who is celebrated for her commitment to building equality and equity across Canadian society and beyond. Leger was recognized for his contributions to social justice and community involvement through his tireless work in promoting restorative justice at UNB Law and across the province.

"I was completely floored and extremely excited to find out I received this award. I am very thankful to Dean Marin, who nominated me. In my mind, the Restorative Justice Society at UNB Law itself is the one receiving this award. I'm so proud of all the members of the RJ society. It's impossible for one person to build a society; this award is truly honoring the achievements of everyone involved."

When Leger first arrived to UNB Law, his interest was piqued by his first-year criminal law course. His fellow students had been discussing restorative justice principles in criminal law, and when he learned his friend and classmate Catherine Sinclair was starting a restorative justice society, he knew he wanted to be involved. The pair, along with 1L classmates Daniel Vlitos and Alexandra Steinberg officially formed the Restorative Justice Society at UNB Law, and set out to educate the community on RJ principles and offer RJ services.

*"In my mind, the Restorative Justice Society at UNB Law itself is the one receiving this award. I'm so proud of all the members of the RJ society."*

*“What was so fascinating to me was that RJ focuses on both the victims and the offenders instead of just punitive justice for the offenders.”*

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“What was so fascinating to me was that RJ focuses on both the victims and the offenders instead of just punitive justice for the offenders. It works to reconcile the harm caused for both parties; that’s what really struck a chord with me. I was always interested in having that diversion of getting people—especially young people—away from the criminal justice system.”

Throughout his three years in law school, Leger served as Vice-President of the society, providing oversight of the various departments, including communications, records, activities, finance, and education.

“My role was to make sure that all of these departments were working towards the common vision of promoting and facilitating this valuable form of alternative dispute resolution.”

Leger was also directly in charge of organizing and facilitating the restorative justice circles. He worked with policing organizations and community groups to bring together victims and offenders to reach restorative agreements/remedies between parties in criminal matters.

“I remember my first circle. The lead-up was very difficult, nearly 20 hours of work, calling all the parties, making everyone knew what the expectations were and how the process would unfold. Energy was high,

there was yelling and name calling in the beginning; I was stressed. We managed to get things back on track and found a mutually beneficial remedy for everyone—which happened to include the two parties hosting a barbeque.”

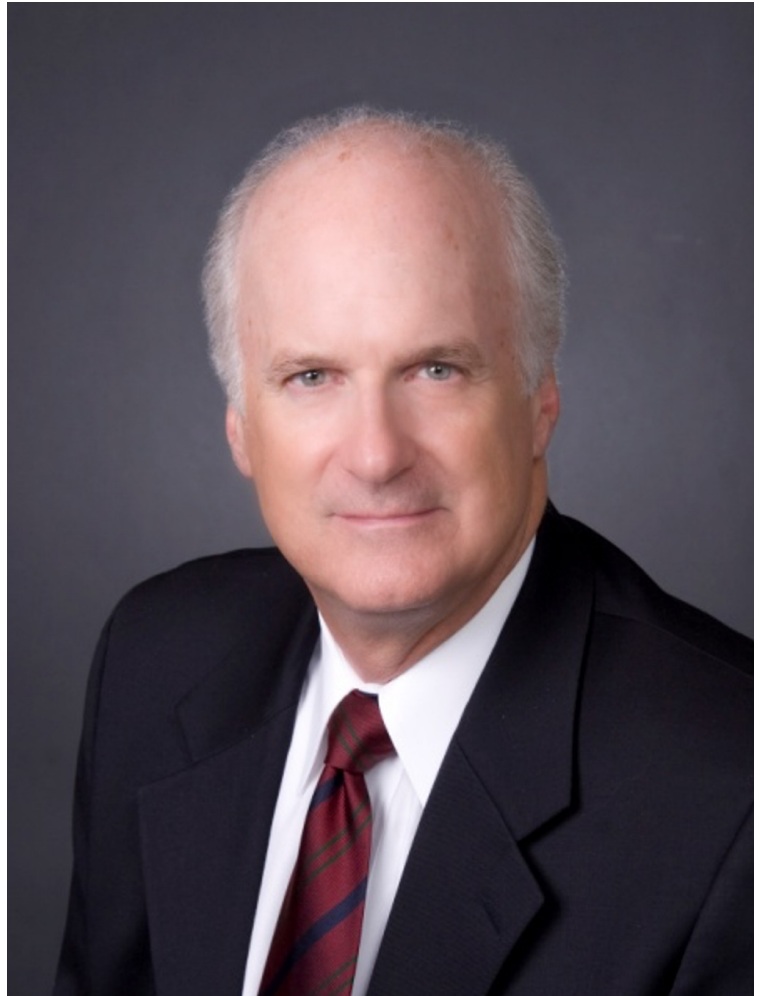
Since 2019, Leger has helped grow the society from a membership of just 6 to nearly 60. Leger and his co-founders have worked hard to ensure the continuation of the society’s work beyond their graduation.

“The next group of executives are excellent. We spent a lot of time with them over the last two years preparing for the transition, sharing our knowledge and contacts, and providing training and guidance. It’s people that we trust, who will continue operations and continue this incredible momentum the society has had. It is so important that the society live beyond us, and continue to make a difference in the community.”

Since graduating in May, Leger has begun articling with famed criminal defense lawyer Alan Gold in Toronto. In the summer of 2023, he will begin a one-year clerkship at the Federal Court of Appeal with the Hon. Justice David W. Stratas. While he is unsure where exactly his career path will lead, he plans to bring the positive values of restorative justice to his future legal career.

# Jim Lockyer

brings trial advocacy  
expertise to the UNB  
Law classroom



**T**rial lawyer, Dean of Law, Attorney General, and even pilot; alumnus Jim Lockyer, ONB, CD, QC (LLB '75) has worn many hats throughout his extraordinary career. He has studied at some of the world's top educational institutions, served his community and province through political office for over a decade, and for the last twenty-plus years, has established himself as a leading figure in trial advocacy across North America. Since 2020, Lockyer has brought his expertise to the UNB Law classroom as a visiting professor, where he has been hard at work preparing students for the rigors of trial practice.

### *An unconventional path to the classroom*

A graduate of the class of 1975, Lockyer looks back on his three years at law school fondly. He considered it to be a great privilege to study law at UNB under the guidance of Professors Dore, Bird, Stapleton, and McAllister.

"It was three years of very hard work. I went into UNB having something to prove to myself—that I belonged there. I committed myself to working very hard, and it paid off greatly because it opened many doors."



*“My five years as attorney general was one of the most animated periods in New Brunswick legal history. We had high-profile cases involving availability of medical services, hate literature, correctional services sexual abuse and public inquiry, prosecutorial sexual abuse of the complainant, and several police scandals.”*

In his final semester, he recounts being approached by Dean Alan Sinclair, QC, with an unexpected request.

“Class had just finished. The dean came up to me and said, ‘we know you’re going for a post-grad; would you be interested in teaching here at UNB Law when you return?’ To be frank, that was the furthest thing from my mind at that time. I did not want to teach; I wanted to be a litigator. I said I would think about it, and after three or four days, I said, ‘no, I don’t think teaching is in my future.’”

This was an especially memorable moment for Lockyer, considering the latter part of his career would be dedicated to teaching law across North America. But that was that. Lockyer set off for the United Kingdom, receiving his LLM from the London School of Economics. He returned to Moncton one year later and began his practice of law as a litigator with Stewart Cooper. Just a few years later, Lockyer received a second call to teach. This time, from Fernand Landry (LLB ’72), who was coordinating the hiring of professors for the newly opened Faculté de droit at the Université de Moncton.

“I had a conversation with Fernand, and he asked me to come over to teach for two years. I told him my linguistic strength was not good enough and he offered to send me to Paris for a year to study.”

It was a tough offer to refuse. Lockyer received a DEA from L’Université de Paris 1 - Panthéon-Sorbonne and became the first-ever full-time faculty member of the newly opened law school. As it does, two years turned into a decade of teaching, with Lockyer eventually serving as Dean of Law (1984 to 1987).

### ***Seventeen years in political office***

Lockyer next set his sights on provincial politics. In 1987, he was elected a Member of the Legislative Assembly in the New Brunswick general election, representing the riding of Moncton West (L). During his twelve years as MLA, he held several cabinet positions, including five years as Attorney General and one year as Solicitor General.

“My five years as attorney general was one of the most animated periods in New Brunswick legal history. We had high-profile cases involving availability of medical services, hate literature, correctional services sexual abuse and public inquiry, prosecutorial sexual abuse of the complainant, and several police scandals. There were high-profile murder cases such as those on the Miramichi where the perpetrator was on the run in the New Brunswick woods for seven months. That arrest led to a ground-breaking trial where it featured the first use of DNA profiling to convict rather than exonerate—something we understood was the first time ever anywhere. We also had the Colombians crash land an airplane at Brockway Airstrip carrying 500 kgs of cocaine. They were captured and sent to prison, and about six months later, another crew of Colombians was arrested in Edmundston, who was sent to New Brunswick to break them out of jail. It was non-stop, but it was fascinating.”

For Lockyer, politics was thrilling; it provided enormous highs and very low lows.

“You’re living on adrenaline 24/7—there’s never a minute to breath. It was a tremendous period, I enjoyed it immensely, but at the end of four and a

half years on city council and twelve and a half years in the legislature, I was spent. I won five elections, I lost my sixth, I just needed a year off."

At the suggestion of his wife, Madame Justice Brigitte Robichaud (LLB '80), he decided to take the year off to pursue his pilot's license, something he had been dreaming about for years. He has been flying ever since as an instrument-rated private pilot.

### ***Returning to the classroom for trial advocacy***

Following his time in office, Lockyer returned to the classroom at U de M with a renewed passion for teaching—but now, focusing on trial advocacy.

"I totally fell in love with teaching again. I enjoy the students, their enthusiasm, their zest, and their curiosity. What sort of married up with this was that I stumbled into teaching trial advocacy, which I've been doing now for 22 years, and it's opened up a whole new field of research for me, and I have developed some fantastic contacts."

Lockyer has established himself as one of the preeminent trial advocacy professors in North America, committing the last two decades of his career to developing and sharing as much knowledge as possible in the field.

"I found that people were yearning to become better in the courtroom, so I really committed myself to trial advocacy. I took a number of steps to learn as much as I possibly could in the shortest possible time."

One of these steps was reconnecting with the National Institute of Trial Advocacy (NITA), an American not-for-profit organization that provides lawyers with training in trial advocacy skills. Lockyer had first worked with NITA in the mid-1980s, delivering a series of workshops for practitioners. It was during these workshops that he first met James Seckinger, an internationally recognized trial advocacy professor and author.

"At the time, Jim Seckinger was the Executive Director of NITA, and it was centered at the University of Notre Dame. I got to know him in the 80s, and we've stayed in touch. When I returned to teaching in 2000, I started really concentrating on trial advocacy, I got talking to him, and I picked up a whole lot of material which I just committed to memory."

Lockyer has been sharing his knowledge with the North American legal community ever since. For over a decade, Lockyer has taught Osgoode Hall Law School's annual Intensive Trial Advocacy Workshop. From 2007 to 2019, he was a visiting teacher of trial advocacy to students at the University of Notre Dame Law School in South Bend, Indiana. Since 2007, he has taught trial advocacy to members of the Quebec Bar in its program "Techniques de plaidoirie" at the Université de Sherbrooke. He has taught workshops for law firms and Departments of Justice.

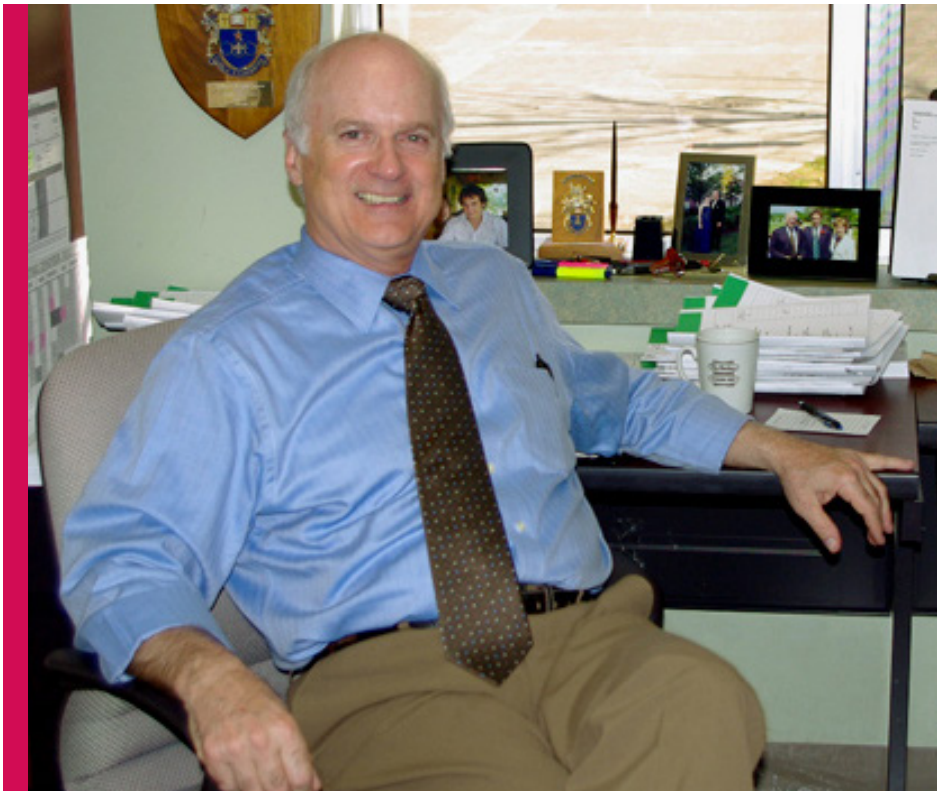
"I've wanted to have as deep a knowledge of trial advocacy as possible. When you go to these places, you're in the company of 30 or 40 trial advocates from across Canada in the case of Osgoode and Quebec, and 30 and 40 across the US in the case of Notre Dame. There is an incredible amount of knowledge sharing. You're working with these experts, and you just study them, you pick up so much to enhance what you already know."

### ***Why trial advocacy?***

"The skillset is multi-dimensional; it's infinite in terms of how you program yourself to communicate. It takes a huge amount of mental discipline. You have your plan, the witnesses you're going to examine and cross-examine, and you know beforehand the facts you want to get out of them. If you don't have a lot of discipline and a firm foundation of trial advocacy, when stuff hits the fan, and things start to go in a direction you were not planning, everything will crumble."

Lockyer teaches his students a series of rules that he insists must be committed to memory and must be respected. Ten for cross-examination and ten for direct examination. For example, in a direct examination when dealing with controversial fact, all questions must begin with the words; how, what, where, when, why, who, which, describe, explain, or 'tell us.' According to Lockyer, this is to ensure that it is the witness telling the story and not counsel. All questions should be no more than 6 to 8 words and each question pursue one fact only. A proper factual foundation must be prepared for each question.

"In cross-examination, the purpose is to elicit known facts from an adverse witness that will help your case," explains Lockyer. "To control the witness, an assertion of one fact only is put to the witness with



*“My time teaching has been just absolutely a thrill, and the crowning piece to that was being invited back to teach at UNB. For me it was like a homecoming.”*

the goal that the witness confirms the fact already known. The assertion must be one fact only and a maximum 6 to 8 words. However, an assertion of two to three words is better and an assertion with one word is better still.”

Using this method, the practical effect is that lawyer, on cross-examination, is testifying on known facts to which the witness has no choice but to accept. This approach is not permitted in direct examination.

“Being a trial lawyer is one of the most interesting things one can possibly imagine. The stakes are just so high. You can’t hide from the judge, you can’t hide from the jury, and you can’t hide from your clients. My job is to teach students the foundation, so they can properly represent their clients, and can take what I’ve given them and develop it further throughout their career.”

### ***A homecoming to support UNB Law’s McKelvey Cup team***

Lockyer returned to his alma mater in 2020, travelling from Moncton to Fredericton each week to teach intensive sessions in trial advocacy to the McKelvey Cup team. That year, team UNB Law

delivered one of its best performances ever, nearly sweeping the competition with 6 of 8 awards. This past academic year, Lockyer not only assisted with the moot preparations but also taught Trial Practice for 3Ls. As you will read in this issue, this year’s McKelvey Cup team won the competition for the first time in 20 years.

“My time teaching has been just absolutely a thrill, and the crowning piece to that was being invited back to teach at UNB. For me it was like a homecoming. In room 14, where I delivered my course this year, my seat is still there, where I sat for three years listening to Karl Dore, Dick Bird, Baz Stapleton, and George McAllister. I’ve just enjoyed it immensely.”

Prof. Lockyer will be returning this fall to teach trial practice once again, and to prepare UNB law’s McKelvey Cup team for their title defense.



# *COMMITMENT, COLLABORATION & ACCESSIBILITY*

*win Benjamin Perryman  
Teaching Excellence Award*

**P**rofessor Benjamin Perryman has received UNB Law's top teaching honour, the Faculty of Law Teaching Excellence Award (2021-22). He was recognized for his giving nature, commitment to student success, collaborative approach to teaching and learning, and for his accessibility and responsiveness to student feedback.

Prof. Perryman joined the faculty in January of 2020 and had just a few months to get acquainted with the law school before the world was turned upside down by the pandemic. Forced to reinvent the classroom experience on very short notice—and with considerable uncertainty—he saw this as an opportunity to experiment.

“The pandemic created space to try new things; incorporating Zoom, for example. As much as that wasn't part of the plan, it has proven to be an effective tool. It is much easier to do small breakout groups virtually than in the physical classroom, just from a sound perspective, but also from a privacy perspective. I saw students expressing ideas that they might not share in the larger classroom.”

Prof. Perryman also used the pandemic as an opportunity to experiment with asynchronous teaching and the idea of a flipped classroom. This involved producing multimedia presentations that students could view on their own time, and then creating quasi-experiential practice problems that students would complete as a group.

“The idea here is to spend more class time using and building on the key teachings from the materials rather than reviewing those materials. To do this well requires substantial inputs and a willingness to do things differently. I’m not sure I would have tried this in the absence of the pandemic, but aspects worked quite well and I’ll continue to use those in the future.”

A constant for Prof. Perryman throughout the pandemic and during the transition back to in-person learning is his commitment to ensuring the classroom is as inclusive and accommodating as possible. His coursework and delivery methods acknowledge the different types of learners and the different circumstances of students. His students will tell you that he demands a great deal from them but matches their effort at every opportunity.

“I meet my students where they are. If they need extra help and want to put in the work, then I will give them that. If they want more advanced work beyond what the course covers and want to put in the work, then I will meet them there. That matches up with what I try to do with accommodations. I figure out where a student is at and what they need to be successful.”

A big part of his work promoting inclusivity in the classroom involves ensuring it is a safe place for different viewpoints and open debate—especially around some of the thornier legal issues.

“Rather than avoiding difficult topics, I turn into them and encourage open and respectful debate about pressing issues. My students learn, discuss, and debate the rules of evidence in sexual assault trials, the balance between freedom of speech and equality, and the role of race in police/citizen interactions. To make these debates both forthright and safe, I model reasoned disagreement and respect for divergent views.”

Prof. Perryman’s innovative approach to teaching includes the use of technology and multimedia to enhance student engagement. Online feedback and polling tools like PolLEV and Kahoot allow him to anonymously test student understanding in real-time—and in a way that is fun and engaging. He regularly assigns relevant documentaries, podcasts, and webcasts of actual court hearings. This allows him to bring the people most affected by law into the classroom and to demonstrate abstract principles, showing how they are applied in current cases of significance. He also works to make the law current, by focusing on modern dilemmas and facts that form part of those dilemmas.



***“One thing that’s nice about teaching smart people is that they do so much of the work themselves. It is more about helping them get information in an efficient way and encouraging them to set their standards higher and higher. It’s especially true in the first years. It’s always remarkable the extent to which they come in knowing nothing about the law, and by the end of first year, they know way more than they ever imagined that they could at the beginning.”***

A member of the selection committee, Dean Marin was struck by the overwhelmingly positive words of Prof. Perryman’s many students.

“I think what makes this award so special is the significant role the students play in the nomination process,” said Dean Marin. “It is the students’ own testimony that speaks to the value and positive contributions the nominees bring to the law classroom. In reading this feedback, it becomes clear that Prof. Perryman embodies UNB Law’s emphasis on high quality teaching.”

Congratulations to Prof. Perryman on this fantastic achievement and finalists Maria Panezi and George Filliter.

# HERE IS WHAT SOME OF

# *Our Law Alumni*

## HAVE BEEN UP TO SINCE OUR LAST ISSUE

### 2022 Queen's Counsel

Congratulations to the five UNB Law Alumni, who received the Queen's Counsel designation in recognition of their high level of personal and professional integrity, and for their outstanding contributions to the legal profession.

#### Nova Scotia

- Melanie S. Comstock, QC (LLB '98)
- Kevin A. Kindred, QC (LLB '01)

#### Newfoundland & Labrador

- Renee L. Appleby, QC (LLB '07)
- Michael Ladha, QC (LLB '09)
- Carey S. Majid, QC (LLB '99)



'70

**LAWSON A.W. HUNTER, QC** (LLB, LLD '11) was appointed to the Order of Canada. He was recognized for his distinguished career in government, business and private practice as one of the country's leading competition and antitrust lawyers.

Lawson has worked with the Department of Consumer and Corporate Affairs, as Commissioner of the Competition Bureau, Executive Vice-President and Chief Corporate Officer of Bell Canada and BCE Inc, and Senior Counsel with Stikeman Elliott.

'81

**THE HON. WADE MacLAUCHLAN, CM, OPEI** (LLB) was appointed Chair and member of the Independent Advisory Board for Supreme Court of Canada Judicial Appointments. The group will work throughout the spring and summer to identify potential candidates to fill the vacancy created by the upcoming retirement of Justice Michael J. Moldaver.

'83

**DONALD A. MacLEOD, QC** (LLB) was named Chairman of the Board of Directors of The Shipowners Protection and Indemnity Association. He has served on the board for twenty years, previously as Vice Chairman and Chairman of the Finance Committee. MacLeod is Counsel at McInnes Cooper in Halifax, NS, supporting ocean and marine related initiatives.

'91

**LYDIA BUGDEN, QC** (LLB) was named an Atlantic Business 2022 Top 50 CEO Award winner. CEO & Managing Partner at Stewart McKelvey in Halifax, NS, she is a five-time winner of the award and is now a member of their Hall of Fame.



'93

**DENNIS N. CLARKE** (LLB) was re-appointed to the Board Directors of the Newfoundland and Labrador Sports Centre. Clarke is a partner at Goodland Buckingham Barristers and Solicitors in St. John's. He is Chair of the Board of C-Core and is a board member of Aurion Resources Ltd, Swilers RFC and Rainbow Riders.

**KEVIN J. KILEY** (LLB) was named an Atlantic Business 2022 Top 50 CEO Award Winner. Kiley is Managing Partner at McInnes Cooper, where he specializes in corporate and commercial litigation, banking and finance law, insolvency and financial restructuring law, and construction law.





'94

**SUSAN E. GUNTER** (LLB) was awarded the Ontario Bar Association's Joel Kuchar Award for Professionalism and Civility. Susan is a partner at Dutton Brock LLP, where her litigation practice focuses on insurance, professional and general liability and casualty claims in defence of domestic and international corporations and insurers.

'95

**THE HON. BRIAN C. McLEAN** (LLB) was appointed Associate Chief Judge of the Provincial Court of New Brunswick. Judge McLean served on the Provincial Court since 2014. Prior to his time on the bench, he practised law for almost two decades in Carleton County.

'97

**GREG FRENCH, QC** (LLB) was named Chair of the Newfoundland & Labrador Labour Relations Board. French began his legal career with Curtis Dawe before serving as in-house counsel at Memorial University. Currently, he leads French Law Offices, a firm specializing in personal injury, employment, labour, insurance, construction, contract, administrative, wills, and malpractice law.

'01

**NICOLE ANN ROVERS** (LLB) was appointed Judge of the Provincial Court of Nova Scotia. Prior to this appointment, Judge Rovers was a lawyer with Nova Scotia Legal Aid, where she focused on family, criminal and appeal work. She has been President of the Antigonish Bar Association since 2017 and co-Chair of the Nova Scotia Legal Aid Mass Casualty Commission Working Group.

**MATTHEW STANLEY** (LLB) was appointed Judge of the Ontario Court of Justice. Judge Stanley began his legal career at Moon Heath Barristers and Solicitors in Guelph, Ontario before co-founding Stanley, Brown

Barristers and Solicitors. Prior to this appointment, he worked as a sole practitioner, focusing his work on criminal defence, as well as real estate, wills, and corporate matters.

'03

**THE HON. SCOTT A. BRITTAIN** (LLB) was appointed Judge of the Provincial court of New Brunswick. Judge Brittain is a long-time supporter of UNB Law and a part-time instructor teaching Municipal & Community Planning Law. Prior to this appointment, he served as a solicitor for the City of Saint John and as a Senior Solicitor for NB Power.



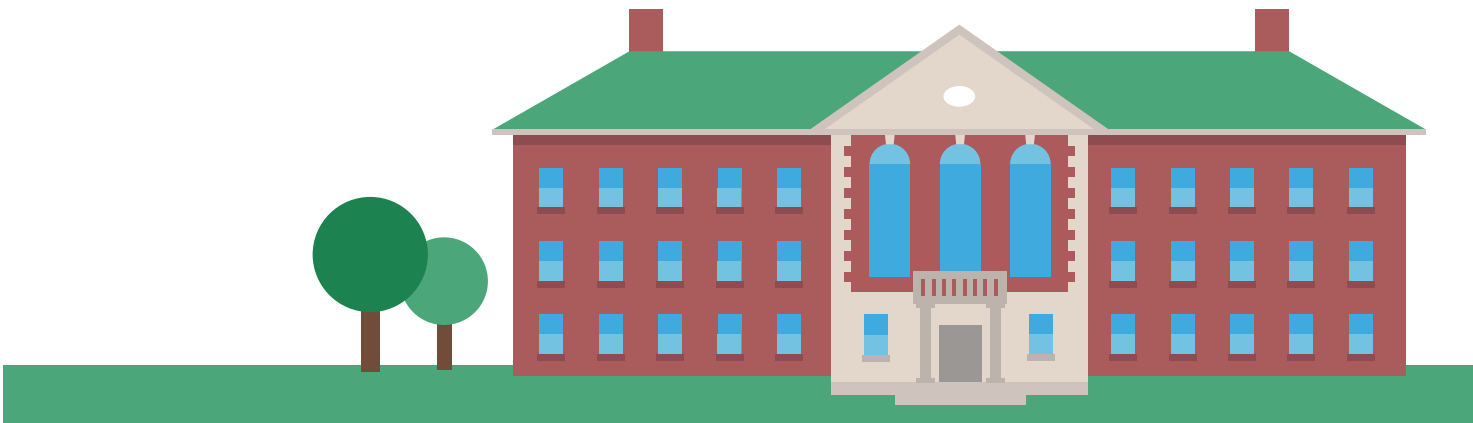
'04

**JULIA CLARK** (LLB) was appointed to the Nova Scotia Utility and Review Board. Clark is a lawyer with the Nova Scotia Department of Justice. Prior to joining the DOJ, she worked for Global Affairs Canada as Legal Specialist – Economic Sanctions - United Nations, Human Rights and Economic Law Division.

'08

**ERIN BEST** (LLB) was appointed to The Rooms Board of Directors for a three-year term. Best is a Partner and Trademark Agent with Stewart McKelvey in St. John's. She is a past chair of the CBA's National Intellectual Property Section, and founder and president, The Kitchen Party Newfoundland and Labrador Music Industry Think Tank.

**COLIN SULLIVAN** (LLB) was appointed to the Board of Directors of the Newfoundland and Labrador Sports Centre. Sullivan is a lawyer and CPA with Sullivan Law and Tax in St. John's. He is on the board of directors for the Chartered Professional Accountants of Newfoundland and Labrador and the Newfoundland and Labrador Rugby Union.





## UKRAINIAN SCHOLAR

### JOINS UNB LAW

UNB Law recently welcomed Ukrainian Practitioner-in-Residence, Marta Hlomb to the law school. Marta and her mother, have come from Rivne, just four hours west of Kyiv, and will stay in Fredericton for at least the next four months.

This emergency initiative was organized by Prof. Kerri Froc, whose mother is Ukrainian. Prof. Froc visited Kyiv in 2018 as part of a Canadian delegation to the Women's Legal Forum in Ukraine. She was struck by the city's cosmopolitan nature and the kindness of its people. Overwhelmed by the news of the Russian invasion, Prof. Froc wanted to do something to help.

"First and foremost, this was an opportunity to get someone out of a warzone as quickly as possible," said Froc, "and to have them bring as much of their family as they could. I'm really moved by the way our legal community, the Law Society of New Brunswick, the CBA of New Brunswick,

the Faculty of Law Heritage Fund, and our alumni stepped up in a big way to help. Marta and her family are so grateful. Having her here will certainly enrich our legal community."

Like many of her new UNB Law colleagues, Marta has her foot in both the academic and practitioner's worlds. Marta graduated from National University Ostroh Academy in 2010 with a Master's in Law (majoring in civil and commercial law). She worked in the Ukrainian judiciary for ten years as a Judge's Assistant, first at the Rivne Circuit Administrative Court, eventually moving to the Supreme Court of Ukraine.

"I worked for seven years at the Rivne Circuit Administrative Court, which is basically the court of the region, much like a provincial court. The judge I was working with was selected for the Supreme Court, and he wanted me to be on his team, so I took the offer, and we worked together at the Supreme Court for four years."



In this role, Marta drafted court decisions, conducted legal analysis of legislation, and prepared legal conclusions and reports for Plenum hearings.

"I was working on elections cases—elections for the President and Parliament. The Supreme Court has a major role in these elections. The major appeals or violations relating to the process of these elections go straight to the Supreme Court. This became a new procedural approach after the Revolution of Dignity we had in 2014, to ensure that all of our elections are democratic, free and the results aren't somehow influenced—to ensure there is no corruption."

Prior to the Russian invasion, Marta was working as a Legal Analyst Assistant for the United States Agency for International Development (USAID) project, "Justice for All" in Ukraine.

"The USAID agency has these projects around the world, but usually they have them in countries that are still developing. This project was concentrated on establishing rule of law, fighting corruption in the judiciary, and reforming the Ukrainian judiciary, because, the Ukrainian judiciary had some reforms applied to it, but they weren't that successful, so they still had some issues to work on."

Marta's work centred around the selection of new members for the Higher Qualification Commission of Judges, a panel of national and international legal experts who would lead the reform work. While the project was temporarily put on hold at the beginning of the war, Marta has recently been informed that the project has been renewed and will continue to move forward.

Marta is currently pursuing a Master's in Political Science, majoring in anti-corruption studies, at National University of Kyiv-Mohyla Academy—a prestigious national research university in the capital. As a Practitioner-in-Residence, Marta will continue to engage in research.

***"My research topic relates to employing Integrity Councils in Ukraine. These councils consist of legal experts; they could be representatives of civil society or international experts, or just national legal experts, but usually not judges. I am looking at how to coordinate these integrity consoles with the judiciary, how to get them working together to fight the corruption, and generally to increase public trust of the judiciary."***

Marta hopes this research will be useful in other developing nations such as Moldova, Georgia and Albania, who share similar problems with their judiciary. Marta is planning to audit courses at UNB Law to learn more about the Canadian legal system and the Charter and Constitution. She hopes to meet with students and the Law Society and New Brunswick Bar to share knowledge on the Ukrainian and Canada systems.

### ***Connecting with Marta***

Prof. Froc began the search for a Ukrainian scholar through her contacts in Kyiv and by spreading the word on social media through the Ukrainian Club of Moncton's Facebook page. This is where Marta first saw the message and connected with Froc, sending along a CV and references.

"We couldn't have dreamed up a better candidate," said Froc. "Marta really checks all the boxes. She's a scholar; she's already got a master's in law. She's a student; working on another master's, and she's also been a practitioner and worked with the judiciary. We tracked down references from her professors and they all said she'd be perfect."

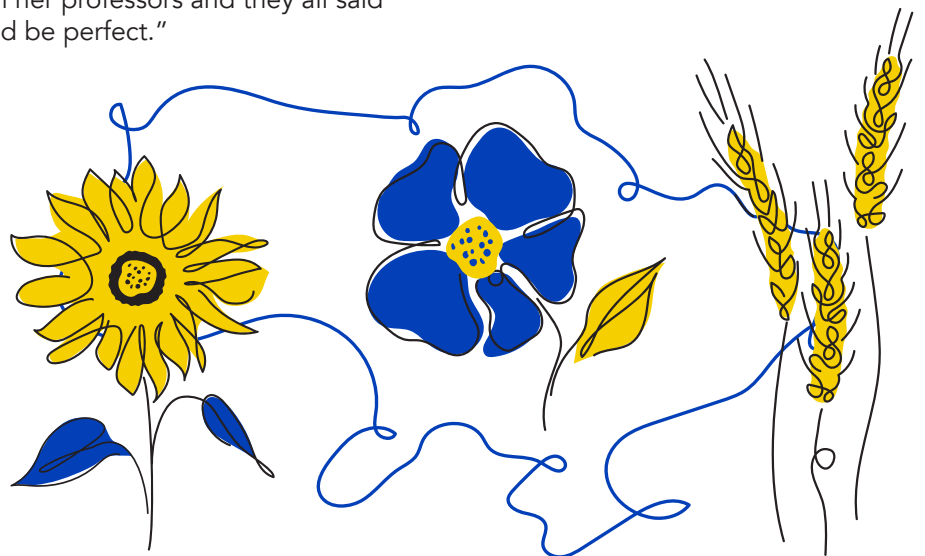
The law school approached Janet Thompson-Price (LLB '99), Partner at Atlantic Fusion Law Group and former instructor in immigration law at UNB, who agreed to handle the immigration work for Marta and her mother. The pair arrived in Fredericton at the end of June and are settling into their new community.

Marta was struck by the kindness of the New Brunswick legal community and their efforts to bring her and her mother to Fredericton.

"I appreciate so much that you have me here and the opportunity you provided to learn more about Canada. I am also very thankful that I was able to bring my mother with me."

When asked about her first impression of the law school Marta said, "I notice that you work as a team—that you have a strong team. I see people being very proud of being a part of the law school and everything that's going on at this faculty and working here. People here are laid back; that's very impressive for a law faculty; people are really open-minded, and that's something that impressed me."

UNB Law thanks everyone who has already helped to bring Marta and her mother to Fredericton. Prof. Froc is currently working to extend Marta's stay through Tri-Council federal funding programs. If you would like to support the Ukrainian Practitioner-in-Residence program, please contact [lawdean@unb.ca](mailto:lawdean@unb.ca).





## Chief Justice Richard Wagner discusses diversity of legal traditions at the 42<sup>nd</sup> Viscount Bennett lecture

by Adora Bustard (2L)

On April 7<sup>th</sup>, The Right Honourable Richard Wagner, Chief Justice of Canada gave the forty-second instalment of the Viscount Bennett Memorial Lecture. The topic was *Reflections on Diversity of Legal Traditions in Canadian Law*. The event, which had over 100 in attendance, was long-awaited by many, having been postponed twice due to COVID-19 restrictions.

“It was incredible to see the Mary Louise Lynch room full again,” said Prof. Jane Thomson, a member of the Speaker’s Committee. “Our students have been through a lot over the past few years; the

live lecture felt like a return to a normal and important part of the law school experience.”

Those in attendance included The Hon. Brenda L. Murphy (ONB), Lieutenant-Governor and her honour, Linda Boyle, The Hon. J. C. Marc Richard (LLB ‘83), Chief Justice of New Brunswick, The Hon. Tracey K. Dewart (LLB ‘94), Chief Justice of the Court of Queen’s Bench, members of the local courts, representatives from the Law Society and local Bar, alumni, and of course, a room full of UNB Law students, who had been anxiously awaiting the Chief Justice’s visit.

This event marked not only the first major event to be held in the law building since 2020, but it also marked the first Viscount Bennett Lecture to feature a sitting Chief Justice of the Supreme Court of Canada.

Chief Justice Wagner's lecture focused on the importance of encouraging diversity in law. He describes the Canadian Judicial system as one that reflects the diversity of its people through the incorporation of different legal traditions, such as common law, civil law, international law, and indigenous law. The lecture highlighted the need for legal diversity to ensure equal representation within the legal system and to act as a tool for courts to complete a more thorough analysis.

According to the Chief Justice, "the existence of different legal traditions is one of the strengths of the Canadian judicial system," because it enables Canadian judges to look beyond one system of law in their decisions.

This method has been adopted by Canada's highest court on several occasions. For example, Chief Justice Wagner referenced the reliance on civil law techniques to resolve the 2020 Supreme Court of Canada case,

*CM Callow Inv v Zollinger*. He also cited the landmark judgment from 2014, *Tsilhqot'in v British Columbia*, where the Supreme Court relied on comparing aboriginal practices to common law practices in order to define the law surrounding aboriginal title. Furthermore, customary international law was incorporated into Canadian law via the doctrine of adoption in the 2020 Supreme Court decision of *Nevsun Resources Ltd v Araya*.

Chief Justice Wagner dedicated the second half of the evening to something he values greatly when travelling on behalf of the Court, interacting with students. He answered students' questions on topics including the impact of the pandemic on the justice system and particularly access to justice, the role of the Supreme Court in reconciliation, the importance of regional representation on the Court, consensus and dissent among the judges, his time as Administrator of Canada in the absence of a Governor-General, and the experience of taking the Court on the road to Winnipeg.

The final question answered by the Chief Justice was on the qualities and values that a young lawyer being

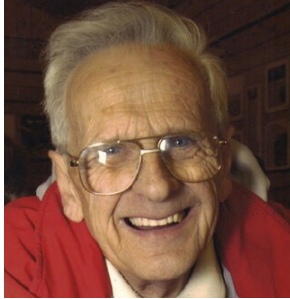
called to the bar today should bring to the profession. Chief Justice Wagner left UNB Law students—and all young lawyers—with the following advice; "It is a privilege to be a lawyer; trust your instincts, have confidence in your means, and don't undermine the possibility that you have. Second, I would say, try to do some pro bono work. You will grow yourself in doing that, and you will help others."

UNB Law would like to thank Chief Justice Wagner for making the 42<sup>nd</sup> Viscount Bennett such a memorable experience for the law school, and his staff team—particularly Renée Thériault, Executive Legal Officer—for their hard work in organizing this event. Thank you to Prof. Jane Thomson for moderating the Q&A, and to Prof. Anne La Forest for inviting Chief Justice Wagner to UNB Law.

To watch Chief Justice Wagner's full lecture and Q&A, please visit the UNB Law YouTube channel or Facebook page. A transcript of the lecture will also be published in the 73<sup>rd</sup> edition of the *UNB Law Journal*.



# *In Memoriam*



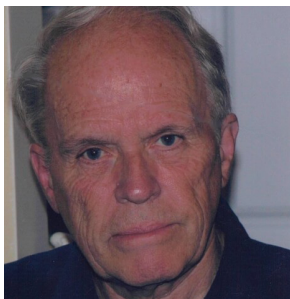
***Henry "Harry" Joseph McInerney (BCL '57)***  
1927 - 2022

"Harry graduated from St. Vincent's Boys School in 1945, Saint John High 1946, University of New Brunswick with a BA, in 1950 and UNB Law School (Saint John) 1957. He had a long career in various aspects of the law profession as a member of the Canadian Bar Association and was a lifetime member of the Law Society of New Brunswick. Harry spent time with the Cadet Services of Canada and the Canadian Reserve Army. His hobbies included skiing, duck hunting with his boys, skating at Lily Lake, researching his family history, and spending time with his grandchildren."



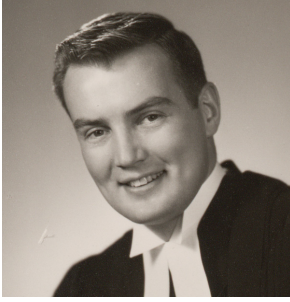
***Margaret Forestell, QC (nee Duffie) (BCL '51)***  
1929 - 2022

"After graduating from Fredericton High School as an honours student, [Margaret] obtained a Bachelor of Arts degree in 1949 and a Bachelor of Laws degree in 1951, both from the University of New Brunswick. She was admitted to the Law Society of New Brunswick that same year. After practicing law for three years in Grand Falls with her brother, Ted Duffie, she returned to Fredericton where she practiced with John C. McNair and later with Robert J. Howie, eventually carrying on her own practice where her son Donald was fortunate to begin his law career. She was recognized in her profession by an appointment as a Queen's Counsel in 1991 and was given a life membership in the Law Society in 2001."



***Donald Frost MacGowan, QC (BCL '58)***  
1935 - 2022

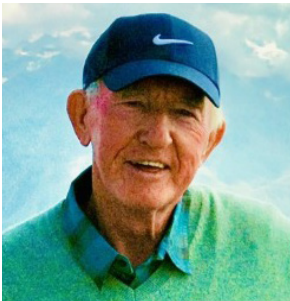
"Don led a very rich and full life that included a long legal career and a life time of serving the community. Don offered his time and talents to many organizations. He was active in the Canadian Cancer Society, at the local and national levels, and its research arm the National Cancer Institute of Canada, for nearly 50 years as a Board Member, Honorary Solicitor and the National Director. Don also was very involved at Mount Allison University serving on their Board of Regents, the University Senate and the Board Executive from 1969 to 1992. He was instrumental in the formation of the Kings County Historical & Archival Society being one of the founding members. He served as New Brunswick Consul for the Kingdom of Norway for 28 years."



***G. Gordon Tweedy, QC (BCL '63)***

***1936 - 2022***

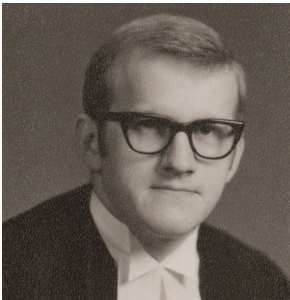
"Gord was proudly the first UNB Law graduate called to the Bar of Prince Edward Island on November 28, 1963. Although law was his vocation - helping others, wood working, his tractor, his family and hockey were his passions. Gord played hockey until he was 80 and was the biggest UNB Reds hockey fan ever. In his middle years, Gordie started the lawyer referral/assistance program in PEI and beyond – taking it global without the internet. Gord was a lifelong Rotarian and lived their motto 'Service Above Self.'"



***Basil Dominic Stapleton, QC (BCL '67)***

***1938 - 2022***

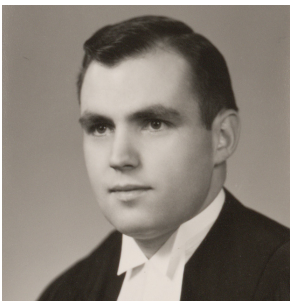
Basil was born in St. John's, Newfoundland, in 1938. He graduated from MUN with a degree in Commerce and pursued a Master's at Queen's before graduating from UNB Law in 1967. Basil had an impressive legal career. In his early years, he lectured at UNB Law. He served as Secretary of the Law Society of New Brunswick and as Legal Counsel to the New Brunswick Department of Justice—where he would eventually become Director of Law Reform. Basil was an active member of the Uniform Law Conference of Canada. In 1993, he would pursue his passion for law reform in Ottawa, working with Justice Canada until his retirement in 2014.



***David Leroy Ernest Peterson, QC (LLB '69)***

***1942 - 2021***

"[David] graduated from the University of New Brunswick in 1965 with a B.P.E. and taught school at Fredericton High School for the 1965-66 school year. He returned to UNB Law school and practiced law in Fredericton after admission to the New Brunswick Bar in 1969. David served as a Fredericton City Councillor from 1974-1980, as a Special Prosecutor and a Deputy Judge, and as the Clerk of the Legislative Assembly of New Brunswick from 1978-1993. He was appointed Queen's Counsel in 2017 and continued to practice until his death."



***David John Elgee (BCL '67)***

***1943 - 2022***

"Born on June 9, 1943, in Fredericton, New Brunswick, David spent time on his family farm and his father's general store before obtaining his law degree at the University of New Brunswick. In 1969, he married his wife, Kathryn, and started his career as a corporate lawyer in Toronto, Ontario. In 1980, David moved his family from Ottawa, Ontario to Coquitlam, B.C for a job in Vancouver, where he took advantage of the North Shore mountains, skiing on weekends. After retiring, David and Kathryn relocated to Windsor, Ontario where he enjoyed daily walks, spending time with his grandchildren and learning about science, particularly Astronomy."

# *In Memoriam*



***The Hon. Myrna Faye Athey (nee Hawkes) (LLB '69)***  
1945 - 2022

"Myrna graduated from Woodstock High School, Provincial Teachers College and UNB with Bachelor of Arts and Law degrees. Following graduation Myrna practiced law with various Fredericton lawyers and law firms including Lawrence Garvey, Dan McCormack, E. J. Mockler Professional Corporation and eventually established her own law practice which later became Athey & Athey when her husband Barry Athey, QC joined the firm. In 1990, she was invested as a Provincial Court Judge in Family Law and served in that capacity for three years in Moncton before moving to the Fredericton Court. She became supernumerary in 2008 and fully retired in 2017."



***William Thomas Morrison (LLB '73)***  
1945 - 2022

"Bill received his law degree from the University of New Brunswick in 1973 and returned to Ontario to practice with the Ministry of the Attorney General until his retirement in 2009. A lover of all sports, he played hockey for his high school alma mater St Michael's Oldtimers for 41 years. Bill will be fondly remembered for his easy-going personality, his love for his family, and for always being a kid at heart."



***Douglas Russell Patterson (LLB '77)***  
1949 - 2022

"Doug was an alumnus of Saint John High School (1967) Mount Allison University (1972) and UNB BEd (1973) and UNB law (1977). Doug practiced law for a short period of time before becoming a partner of the club "1880" during the 1980's. He went back to teaching in the early 90's and retired from teaching in 2013. Doug was a long-time member of the Westfield Golf and Country Club. He was an active fisherman for most of his life and greatly enjoyed his weekly pool games over the years."

*Obituary excerpts shared from the Daily Gleaner, Telegraph-Journal, Saltwire, The Globe and Mail, McAdams Funeral Homes, Fundy Funeral Home, Hillsboro Funeral Home, Brennan's Funeral Home, Capital Funeral Home, and Marshall Funeral Home Inc.*



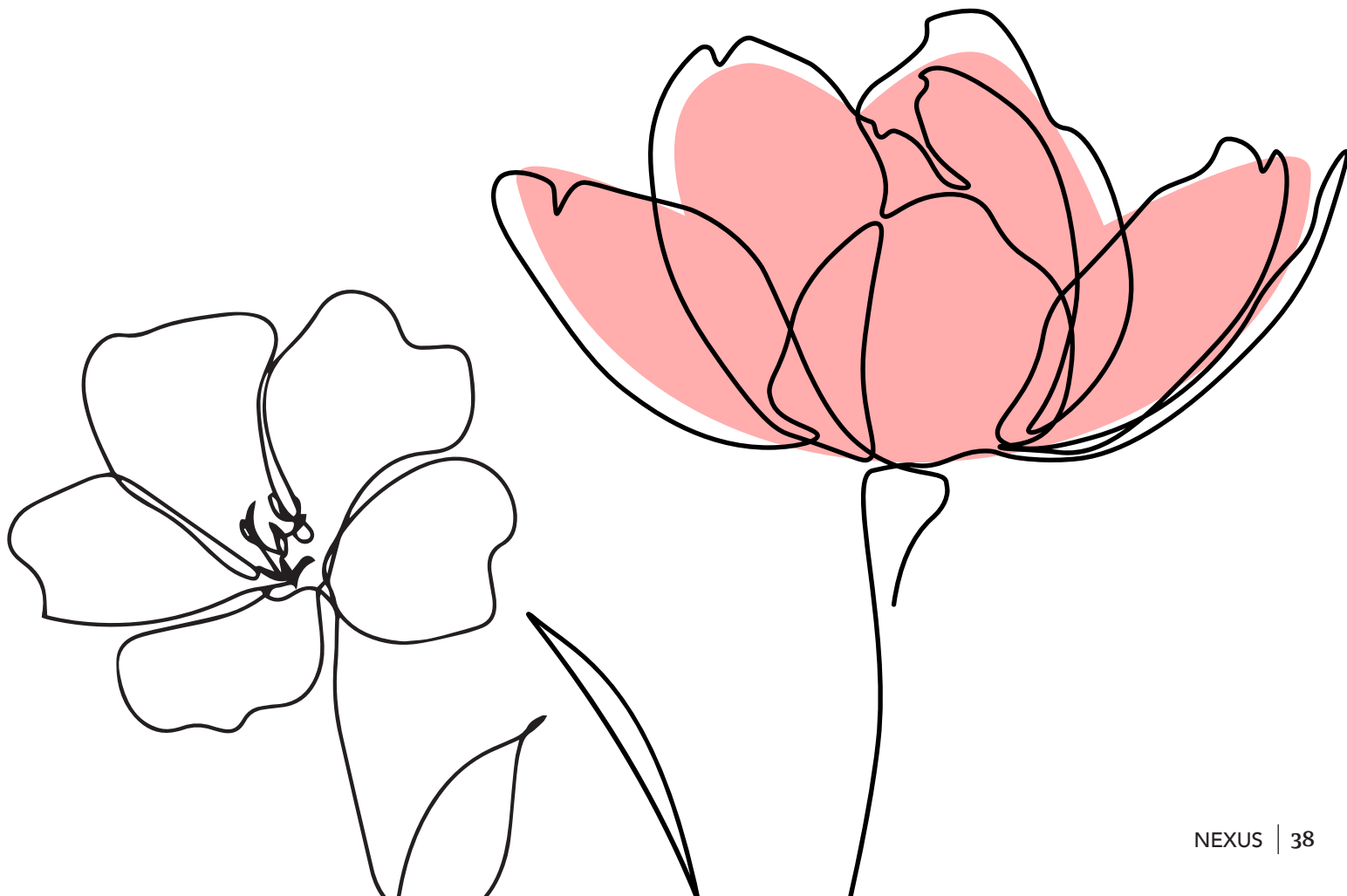
***John Douglas Townsend, QC (LLB '77)***  
***1952 - 2022***

"A Queen's Counsel, John had a distinguished legal career which spanned more than 40 years. Respected as both a litigator and an advisor, one of John's greatest joys was mentoring young lawyers and students. He taught Business Law at the University of New Brunswick and led the advocacy section of the Law Society's Bar Admission Course. He gave back to his profession by serving on the Law Society's Conflicts Committee and Insurance Management Committee. In 2016, he received the most prestigious award conferred by the Law Society, the Franklin O. Leger, Q.C. Award, given in recognition of outstanding meritorious service, dedication or contribution in accordance with the highest ideals of the legal profession."



***Sandra Jean MacKinnon (LLB '04)***  
***1955 - 2022***

"Sandi was first and foremost a mother full of eclectic interests and talents. She travelled Canada and the world before her children's births and then raised her children with Robert in Montreal, Îles-de-la-Madeleine, and PEI. She worked in various capacities for social justice as a journalist, community worker, and finally as a lawyer. She was a fearless and passionate activist and advocate, traits that helped her earn her law degree from the University of New Brunswick at the age of 50."



# GET INVOLVED

## UNB LAW IS YOUR LAW SCHOOL

Do you have a story idea for Nexus? Would like to tour the building and see what's changed? Are you and your classmates hoping to host a reunion at the law school or an alumni event in your hometown? Interested in establishing a class scholarship or exploring other donation options? Hoping to volunteer with a student group or society? Or just looking to learn more about our vision for the future of UNB Law? We want to hear from you!

If you would like to get involved at UNB Law, please contact [lawdean@unb.ca](mailto:lawdean@unb.ca).



## KEEP IN TOUCH

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