

NEXUS

UNB LAW ALUMNI MAGAZINE



HILARY YOUNG
Boosts UNB Law's research profile

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Dean's Message



“I want to thank everyone for their hard work and support during my time as Dean. It was an honour!”

John Kleefeld
Dean and Professor of Law

I would like to begin by thanking our students for their resilience during one of the most challenging academic terms in UNB Law's history. To our graduating students, congratulations! This is not how any of us envisioned your final days of law school, but don't let that overshadow this amazing accomplishment.

Despite the difficulties, the winter term has been hugely successful for our law school. Our students continue to compete at the national level. The negotiation team of Danica Jorgenson and David McDonald placed second overall at the fourth annual Canadian National Negotiation Competition (p 31). Seven UNB Law students have secured 2021 clerkships across the country, including Curtis Doyle, who is heading to the Supreme Court of Canada (p 27).

Our faculty members remain leaders in legal research. In March, Janet Austin discussed investment fraud at Europe's largest stock exchange, Euronext (p 18). Hilary Young recently secured over \$70,000 in SSHRC research funding to examine injunctions concerning speech (p 21). A wealth of new research interest is arriving as we continue to renew our full-time faculty complement. We welcomed Benjamin Perryman to the Faculty this winter, with Jason MacLean and Sarah-jane Nussbaum slated to join the law school as Assistant Professors in 2020 and 2021 (p 5).

It has been a busy time for our alumni as well—from Queen's Counsel appointments to distinguished awards and even a knighthood (p 23)! Thank you to Mme. Anne Bertrand, QC (LLB 85'), who visited our students and shared the story of her rise from small-town NB to Parliament and the Supreme Court of Canada (p 8).

I am happy to present these stories and more in this Spring 2020 edition of Nexus.

As many of you have already heard, I have decided to step down as Dean for personal reasons. Over the last three years, I have had the pleasure of collaborating with world-class faculty members, connecting with passionate and talented students, and getting to know the members of our impressive alumni network. For all of this, I am grateful. I look forward to staying on with UNB Law and continuing teaching and researching.

I am glad to announce that Associate Dean Michael Marin will be stepping into the role of Acting Dean starting July 1, 2020. Mike has a fantastic reputation among his colleagues and his students and cares deeply about the future of UNB Law. He has assumed significant leadership roles within the Faculty, including chairing the Strategic Planning Committee (p 3). He also navigated one of the most difficult semesters in UNB history during the COVID-19 pandemic (p 19).

I want to thank everyone for their hard work and support during my time as Dean. I look forward to seeing what is next for our not-so-little law school.



MIKE MARIN

named acting dean

We are pleased to announce that Michael Marin has been named acting dean of UNB Law. Mike succeeds John Kleefeld, who has served as dean since 2017, and who will continue as a faculty member.

“John served as dean during a pivotal time of renewal in our Faculty,” said Marin. “He has worked very hard over the last three years and we are grateful for his service to UNB Law.”

During his tenure as dean, UNB Law has hired several new faculty and staff. These hires have been positive additions to the team, positioning UNB Law for further success.

Mike is looking forward to his new role as acting dean and recognizes the particularly challenging circumstances brought about by the COVID-19 pandemic.

“It is a strange time to be assuming a leadership role within a University, but I know we will do some very positive things despite these challenges. Our faculty and staff work really well together and are committed to the success of UNB Law and the students. I have every confidence that we will find ways to thrive and move forward with our agenda to revitalize the Faculty.”

The first step will be initiating the implementation of the UNB Law’s new strategic plan, which was unanimously approved at every level of the University. Mike served as chair of the strategic planning committee that was struck in the fall of 2018 and included alumna Janet Hoyt, Professor Hilary Young, Head Law Librarian Cathy Cotter, and third-year student Fahim Rahman.

“Our mandate was to develop a plan for the future of UNB Law. We needed to rediscover our identity and make it relevant for the 21st century. We followed a very inclusive process that engaged all of our stakeholders, and it was inspiring to see how involved our alumni were.”

In response to its alumni survey, the committee received almost 200 detailed written responses providing candid feedback, advice, and ideas regarding UNB Law’s program. This input was critical in shaping the overall plan.

“For the first time in decades, we have a strategic plan that outlines an academic vision for the faculty in terms of programming and initiatives. We also have a financial plan for implementing our vision, which was unanimously approved by the Board

of Governors. I’m very proud that our Faculty was able to come together and agree on who we are, where we want to go, and how we are going to get there.”

Over the next 12 months, UNB Law intends to share the details of its plan with key stakeholders. Implementation of new programming will also begin with the development of a legal clinic and a graduate program in law. Committees have been struck to design these initiatives with the goal of implementation in the next 12 to 24 months.

Mike plans to spend the summer months connecting with UNB Law alumni to build and strengthen relationships.

“I want to talk directly to as many alumni as I can. I want to know what they are doing, what they like about UNB Law, and what they think we can improve upon. As we start implementing our plan, it’s really important to me that we keep our whole community on board and that our direction continues to reflect the aspirations of our graduates.”



Kerri Froc

*recognized for excellence
in the classroom*

Professor Kerri Froc has received the 2019-2020 UNB Law Teaching Excellence Award. This designation was based on her deep engagement with participatory learning, her consistent effort at trying new pedagogical approaches and soliciting feedback on how they work, and the strong endorsements she received from students across all three years of the JD program.

"It is meaningful to me as someone who doesn't regard herself as naturally talented in teaching. I have to work really hard at it—I think about it a great deal, I read about it, I talk to colleagues, mentors and my mom, who is a teacher...I was joking with someone that maybe it is the 'most improved' award. To me, it feels like a message from students and colleagues to keep going, that I am on the right track."

Kerri employs various active learning techniques in the classroom, focusing on balancing theory with practical application.

"I use hypotheticals drawn from my own experience in real cases. I was a practising lawyer and also someone who is deeply immersed in constitutional interpretive theory. I try to integrate those perspectives when I am teaching a class or interacting

with students. It is with their academic success in mind, but I also want to equip them for their lives as trained legal professionals."

Kerri focuses on student-driven teaching. In her advanced constitutional law class, she utilizes TOE's or "thoughts, lingering questions and epiphanies" (a technique from teacher Marisa Thompson, which she discusses online). At the beginning of each session, students are given 20 minutes to discuss the day's readings in small groups, focusing on items that stood out and any questions about the material. Kerri then creates a master list from the groups and the class decides what topics to discuss.

"It is important to experiment with different teaching techniques, but it has to be done advisedly, with the students contributing. You have to make sure that you bring them along and share the concepts behind the techniques you are using. I don't want to experiment on them, I want to experiment *with* them."

Kerri strives to show her students that the work they have done in class doesn't need to simply sit on a bookshelf—her goal is to equip students to think through practical applications. In her class, she gives

students the choice of writing either a law reform letter or an op-ed as an assignment.

"What is most satisfying to me is when I hear about a student taking what they have learned in class and operationalized it or having thought about it in a way that is meaningful to them personally. For instance, Samer Alam and I co-authored a piece for the Canadian Bar Review on section 28 of the *Charter*. This publication came directly from his work in class."

The award was made all the more meaningful to Kerri when she read feedback stating that students felt her classroom was inclusive and that they felt safe to address issues like mental health, a topic that is particularly close to her.

"I came out of private practice about 15 years ago, at a time when lawyers weren't particularly good at dealing with mental health issues. Worry and anxiety felt incredibly stigmatized. It is almost a way for me to look back on those experiences and put a more positive spin on them. I see them now as helping inform the way I support students. I think UNB really has a student-first culture and I am happy to be a product of that."

WELCOME

to the Faculty of Law

UNB Law is continuing to renew its full-time faculty complement, welcoming three new full-time faculty members: Benjamin Perryman, who joined UNB this past January, Jason MacLean, who joins UNB in July 2020, and Sarah-jane Nussbaum, who starts in July 2021.

Benjamin Perryman



“What drew me to UNB is the law school community and its core value of collegiality,” said Ben. “My first semester here reinforced this impression. Administrative staff answered my many questions and helped get my office set up. Students provided encouragement and constructive feedback. Faculty (current and emeritus) offered their experience and guidance as I started teaching.”

Ben holds an LLM (Yale), JD (Osgoode Hall), MDE (Development Economics) (Dalhousie), and BSc (UBC). He is a doctoral candidate at Yale Law School, where he was a Fulbright Scholar and Trudeau Scholar.

Ben taught Constitutional Law and Conflict of Laws during his first academic year with the faculty.

“I’m not an academic purist. I love litigation and seeing law positively impact the lives of clients. Knowing full well that I can’t do everything, I had reservations about focusing primarily on teaching and research.”

Ben’s reservations were quickly put to rest—his decision to pursue legal

academia was affirmed early on in his first term.

“It was a rather ordinary day. In the morning, I worked through the Supreme Court of Canada’s overhaul of administrative law in *Vavilov*; in the afternoon, I engaged with a number of students who came by my office to chat about constitutional law; and I ended the day happy as a clam. Some decisions in life have to be experienced to know that they’re the right. What was affirming about this particular day was that it was ordinary and the ordinary felt wonderful.”

Ben’s research focuses on the connection between happiness and constitutional law.

“This is not completely uncharted territory—think of Jeremy Bentham or the ‘pursuit of happiness’ in the US Declaration of Independence—and contrary to many people’s intuitions, happiness is possible to both define and measure. In fact, over the past twenty years, there has been an explosion of happiness research emerging primarily from

the fields of behavioral economics, positive psychology, and neuroscience.”

Ben’s research applies this “science of happiness” approach to constitutional decision-making.

“I explore how the measurement of subjective well-being can be used to describe the experience of people and groups that would not otherwise be obvious or intuitive to many judges (and counsel). This has implications for *Charter* cases that regularly turn on how the individual in question experienced state interference in their life.”

Over the summer, Ben will be working on a sub-project that applies this happiness framework to “tent cities” and the right to housing. “Tent cities” are unauthorized

encampments on municipal/provincial property that are created and occupied by people who are homeless.

“When governments attempt to shut ‘tent cities’ down, courts are often engaged in the pursuit of injunctive relief. The research will ask if we can observe and measure subjective well-being perspectives in the numerous affidavits that are regularly placed before judges on such motions.”

Before joining the Faculty of Law, Ben taught at the Schulich School of Law and Saint Mary’s University, practised in the area of human rights law, and clerked at the Federal Court (Canada) and Supreme Court of Nova Scotia. Ben is a human rights adjudicator and is called to the bars of Ontario and Nova Scotia.

“The faculty, staff, and students are what drew me to UNB,” says Jason MacLean. “In 2019, I participated in the Law of Obligations conference, organized by my old Supreme Court of Canada clerkmate Professor Hilary Young. I was struck by the genuine collegiality and energy at UNB Law. I remember thinking that this is the kind of place where I want to come to work every day!”

Jason received his joint BCL/LLB from McGill in 2006 before clerking at the Supreme Court of Canada for Madame Justice Marie Deschamps. He is currently completing his PhD dissertation, *Essays on the Law and Politics of Canada’s Climate Policy*, at the University of Alberta.

Jason is a staunch supporter of the fight to stop climate change. He is passionate about environmental protection and promoting sustainability. Much of his research focuses on environmental law, natural resources law, climate change and energy policy, and sustainability pathways and co-benefits.

“I’m interested in figuring out how to combat climate change and achieve sustainability locally and globally. At UNB, I’d like to help implement the University’s new Climate Action Plan, which, if done right, can become a policy model for how other institutions and jurisdictions can reduce their greenhouse gas emissions and become more resilient.

I’d also love the opportunity to collaborate with folks working on climate action and sustainability at both the municipal and provincial levels.”

Jason brings enthusiasm to the classroom and hopes to capitalize on UNB’s commitment to experiential learning.

“I am most looking forward to getting to know and working with the students. I’m really committed to integrating my teaching and my research as much as possible. A big part of that involves collaborating with students on “research-in-action” projects that seek solutions to real-world problems. It’s not only an effective way to teach and learn, but it’s also a lot of fun.”

Before joining the UNB, he served as an Assistant Professor at the University of Saskatchewan College of Law, and as an associate member of the School of Environment and Sustainability. He taught courses in Administrative Law, Constitutional Law, Corporate Social Responsibility, Environmental Law, International Environmental Law, Natural Resources Law, Property and Contracts.

Prior to entering academia, Jason practised corporate and commercial litigation at Osler, Hoskin, & Harcourt LLP in Toronto, and international commercial arbitration at Shearman & Sterling LLP in New York and Paris.

Jason MacLean



Sarah-jane Nussbaum



“I was drawn to the Faculty’s research strengths in areas including feminist theory, legal history, and the scholarship of teaching and learning.”

“I appreciated UNB Law’s warm and welcoming energy. I was drawn to the Faculty’s research strengths in areas including feminist theory, legal history, and the scholarship of teaching and learning. As well, I was attracted to UNB Law’s incredibly well-respected reputation in teaching and to the Faculty’s interests in nurturing student wellness and offering practice-oriented learning opportunities.”

In 2011, Sarah-jane received her BA in Linguistics with Great Distinction from the University of Saskatchewan, College of Arts & Science. She graduated with her JD with Great Distinction from the University of Saskatchewan, College of Law in 2014, where she was awarded the Law Society of Saskatchewan Gold Medal, before clerking at the Saskatchewan Court of Appeal. She was called to the Saskatchewan Bar in June 2015 and completed her LLM from the University of Cambridge the following year with the support of the Right Honourable Paul Martin Sr. Scholarship. Sarah-jane’s research interests include criminal law and theory, relational theory, feminist theory, and legal education.

Sarah-jane is currently a PhD candidate and SSHRC Doctoral Fellow at Osgoode Hall Law School. Her dissertation, *Responsibility, Risk, and Social Accountability: Tensions and Connections in Canadian Criminal Law*, examines responsibility, risk, and social context in Canadian criminal law by examining sentencing judgments.

“Judicial responsibility analyses have moved away from depicting people as independent and autonomous beings and towards depicting

people as socially situated beings—as individuals who exercise a range of cognitive and mental abilities and as individuals whose lives have been affected by patterns of discrimination, colonialism, violence, and oppression. By comparison, sentencing law has been slower to recognize the social dimensions of risk, even though risk analyses often turn on the very factors that make people less individually blameworthy.”

Sarah-jane draws on relational theory and critical criminology to investigate how risk analyses exacerbate rather than redress the oppression that marginalized people face.

Sarah-jane plans to pursue research relating to portrayals of mothers in sentencing law, evidence of prison conditions in sentencing judgments, and teaching about trauma in criminal law classrooms. She is most looking forward to meeting and teaching UNB Law students and hopes to mirror the positive impact made by her law school professors.

“Members of the UNB Law Faculty rave about their students, and I feel honoured to join the community. I have been immersed in research and writing over the last few years, and I’m excited to begin teaching. Teachers have had an immense impact on my life—inspiring me to pursue graduate studies, to cultivate my own voice, and to think creatively and reflectively. I will similarly strive to support students in pursuing their goals. I enjoy working with people and learning from others, and I look forward to listening, and being responsive, to students’ diverse interests, experiences, and perspectives.”



ANNE BERTRAND, QC

talks career and community service

When Mme. Anne Bertrand, QC graduated from UNB Law in 1985, her class comprised approximately 20% women and even fewer Francophones. She grew up in the small municipality of Tracadie on the Acadian Peninsula and learned English during her undergraduate studies in Biology at UNB. Mme. Bertrand returned to UNB Law on February 18, 2020 for Speaker's Hour to reflect on her career and offer advice to current students.

After working with a larger Fredericton firm, she took the risk of beginning her own firm in rural New Brunswick, where she was the only lawyer for miles and was occasionally paid in preserves. She knocked on doors asking neighbours to give her a chance to represent them, all while raising children who kept her grounded. It was during this time she learned a very important lesson: her community needed her, and she needed them.

During her legal career, she did both criminal defence and Crown contract work and appeared twice before a full panel at the Supreme Court of Canada in *R v Audet* and *Moreau-Bérubé v. New Brunswick (Judicial Council)*. Her tip for preparing for these cases is to have others pummel you with questions beforehand to ensure there is nothing you cannot answer before the panel.

"The practice of law is the practice of getting to know how people act and what people do," Mme. Bertrand told attendees. She discussed how volunteerism opened many doors for her and allowed her to learn skills extremely valuable to her legal practice. She sits on several boards and committees throughout the province where she "sits in the middle and tells them that they need to put more women on these boards". She was the first woman to serve as the president of the Conseil

économique du Nouveau-Brunswick, was appointed as an alternate chair of the Board of Review, and currently serves as a director for NB Power. From learning about mental illness within the corrections system, privacy, and even nuclear fission, it is obvious that Mme. Bertrand is a quick study and eager to improve her community. She asks herself "How do I serve New Brunswick, what do I do?"

Collectively, these experiences allowed her to become "an investigator, adjudicator, speaker; a person dedicated to the practice of law and to fairness; and a builder of relationships." These skills would be integral in her role as New Brunswick's first Access to Information & Privacy Commissioner. Over her seven years in that role, she worked collaboratively with government to ensure the privacy rights of New Brunswickers were protected. Recalling that time, she says "Some people said I was stubborn or unwavering, but I like to think I was dedicated." Today she acts as the ad hoc Privacy & Information Commissioner for Canada.

Mme. Bertrand's journey from her small community of Tracadie, NB all the way to Parliament and the Supreme Court of Canada left all attendees inspired. She offers that "a little person can get there from sheer dedication."

Article by Chelsey Buggie

About Speaker's hour

Speaker's hour is a student-run initiative that invites alumni, members of the legal community, scholars and other professionals to speak to UNB Law students on topics regarding the law. If you are interested in participating, please email nexus@unb.ca for more information.

Left to right: Elen Gasparyan, Chelsey Buggie, Anne Bertrand, Chantalle Briggs, Emma Storey, Eryn Murphy



The Honourable William F. Ryan Scholarship

The Honourable William F. Ryan Scholarship is an annual \$12,000 award given to the student entering the third year of study, who ranks highest overall in second year. The award was established through the generosity of the late Honourable Justice William Francis Ryan, a man whose contribution to UNB Law is unrivaled. His commitment to supporting UNB Law students through the annual scholarship that bears his name has been bolstered over the years through the generous support of his family.

Mr. Justice Ryan was a brilliant scholar active in student politics at UNB. He served as President of the Students' Representative Council (SRC) and on graduation in 1941 with a Bachelor of Arts, First Class Honours in Political Science and History, was awarded the Governor General's Gold Medal for highest standing in Arts. He commenced his legal studies at the Faculty of Law in Saint John, graduating with a BCL in 1946. He practiced law for two years in Saint

John before attending Columbia University where he was awarded an LLM in 1948. He pursued further post-graduate studies at the University of London, as a Beaverbrook Scholar in 1949-50, returning in 1950, as an Associate Professor of Law at the University of New Brunswick. In 1956, at the direction of Lord Beaverbrook, Bill Ryan was appointed the first full-time Dean of Law—a position he would hold for 15 years.

One of his greatest contributions to UNB Law was spearheading the shift from a professional school in Saint John to a fully integrated faculty of law on the Fredericton campus. Dean Ryan sought to establish law as an academic discipline where the technical would meet the scholarly and establish the UNB Faculty of Law as a significant player on the national stage. During his tenure, he oversaw increased enrolment, the expansion of the law library and was instrumental in the construction of the current law school.

*Photo of Justice Ryan courtesy of UNB Archives & Special Collections.
University of New Brunswick Archives Photograph Collection, UA PC 1 no. 45.*

“It really was a surprise to find out that I had won this award, and humbling to have the many hours I worked throughout second-year be recognized in this fashion.”

He served as the constitutional advisor to Premier Louis Robichaud during the constitutional conferences of the late 1960s. Once again, Justice Ryan would be a trailblazer, when in 1971 he spent three years as a member of the newly formed Law Reform Commission of Canada, before being appointed as a Justice of the Federal Court of Appeal of Canada, where he served with distinction until his retirement in 1986.

In 1988 Justice Ryan was named Dean Emeritus of the UNB Faculty of Law—the first Dean Emeritus in the history of the university and an honour that singularly pleased him.

Bill Ryan had an encyclopedic grasp of baseball statistics, loved opera and traditional Irish music. He was an expert on the lore and history of New Brunswick politics and was widely read on a host of subjects.

During his convocation address on October 8, 1992, the same day he would receive an honorary Doctor of Civil Law (DCL), Justice Ryan summed up his relationship with the university:

“[My] life has been so intimately interwoven with the University and more particularly the Law School. My attachment to the University and the School is not only intellectual, it is emotional...I personally will regard the degree as recognition in main part of my career as a teacher. The most gratifying part of my career, the part for which I had the greatest affection, were the years I spent on the lecture platform, teaching, and engaging students in Socratic dialogue.”

The 2019 recipient of the Hon. William F. Ryan scholarship was third-year student Mark Heighton.

“It really was a surprise to find out that I had won this award, and humbling to have the many hours I worked throughout second-year be recognized in this fashion. I had the opportunity to meet some of the family members who support the scholarship at awards night in the fall—this drove home how much of an honour it was to receive an award dedicated to such an important UNB Law alumnus.”

Mark will be spending the next year clerking at the NB Court of Appeal for Chief Justice Richard.



“The clerkship is an excellent opportunity to learn from some of the most experienced legal minds in the province and I’m excited about being able to continue my education there. After that I’m planning to stay here in Fredericton and I’m hopeful I will be able to build a practice focused on civil litigation. Although, the great thing about a law degree is that it opens a lot of doors, so I’m of course open to other possibilities as they present themselves.”

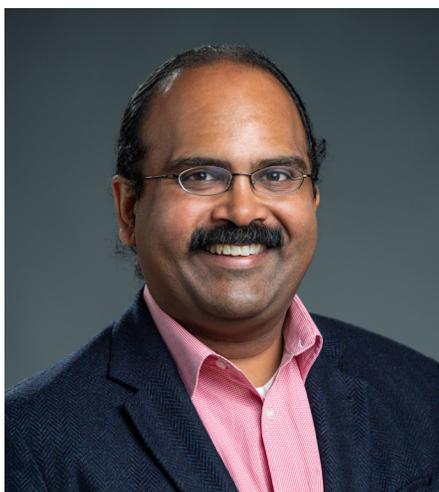
UNB Law is grateful for the kindness and commitment of our donors. We look forward to sharing more stories about our donors, scholarships and their recipients in future editions of Nexus.

FIRST-YEAR MOOT

An introduction to the courtroom

The first-year moot program is a key component of UNB Law's foundational Legal Research and Advocacy course. For many students, this is their first taste of the courtroom, acting as appellate lawyers in a simulated hearing before members of the New Brunswick legal community. The moot provides first-year students with an opportunity to develop and integrate key legal skills, knowledge, and methods in a relatively contained environment early in their careers.

Professor Basil Alexander teaches the legal research portion of the year-long course, with practitioner Maya Hamou joining him as co-instructor for the legal advocacy section.



“The program is usually the first-time students act as a lawyer advocating a client’s perspective,” said Basil. “This is an important experience since persuasion is a key part of most legal careers, even if one is not doing litigation.”

“The experience is designed to be as close as possible to real-world appellate advocacy—including the nervous butterflies,” added Maya. “Although it may feel overwhelming

during the process, students gain skills and confidence that carry them through the following years of law school. For some, the moot ignites a new passion—a new unimagined career path.”

Basil joined UNB Law in the summer of 2019. This was his first time teaching the course, an experience he found both challenging and rewarding.

“The moot involves students doing both written and oral legal advocacy in a condensed period—it can be intense at times for everyone involved. However, it is very fulfilling to see the considerable growth as students get through the experience, realize they can do such work, and see its potential future applicability and usefulness for themselves.”

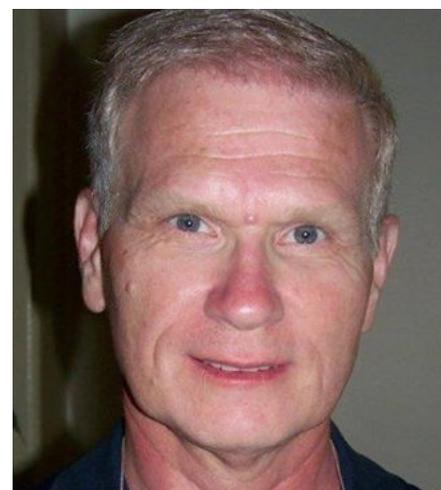
“I absolutely adore teaching this class,” said Hamou. “It is immensely rewarding as an instructor to see students blossom and gain confidence as they acquire new skills. The skills touched upon in this course are directly applicable to the practice of law, in particular appellate advocacy.”

What makes a good mooter?

“Anybody can be a good mooter and advocate,” explained Alexander. “It just takes preparation, a willingness to learn and put in the work, and practice. It is something that continually develops over a career as one keeps gaining experience. We each have different backgrounds, personalities, perspectives, and styles, and the key is figuring out what works best for you, taking into account the context and audience you’re trying to persuade.”

St. John criminal lawyer, John Brooks (LLB '78), served as a part-time

instructor for the first-year moot for 25 years (1994-2019). John worked with hundreds of 1Ls, drawing on his 40 years of experience in the courtroom to provide guidance and feedback on their written factums and oral presentation. For Brooks, a good mooter and advocate is prepared, authentic and open.



“Mooting/Advocacy is persuading the court through the use of principles of critical thinking. It involves a thorough analysis of all the facts and the applicable law in your case. Those that are successful are prepared and flexible—they can see both sides of the argument, the strengths and weaknesses and not just be impressed with their own position. Those that understand the issue from both sides can also better respond to the questions/concerns of the court.”

According to John, being an advocate and a good mooter is not debating or lecturing the court. It is rather about having a “conversation” with the court.

“You have a court who is your audience, who is going to give you feedback. It is a formal conversation—you have to respect the court while making credible arguments. It is more about having a respectful conversation than it is about being dramatic or charming.”

Key take-aways for students

“The first-year moot teaches students how appellate advocacy works practically,” said Alexander. “This can provide insight when examining such cases in other courses and contexts. You may also learn unexpected things about yourself and others that you otherwise wouldn’t have known.”

Basil sees the first-year moot as an important stepping stone for students and urges them not to get too hung up on any negatives from their performance.

“The biggest thing to keep in mind is that how one does in the moot is not a reflection of how you will be as a lawyer, or even an upper-year mooter. The key is what did you learn (e.g. strengths, weaknesses, tendencies/preferences, what would do same/differently, and about yourself generally), and then using that as basis to further build and develop, including by seeking out interesting growth opportunities.”

Brooks reminds students to embrace the challenge, and enjoy the process of mooting/advocacy, but also to learn from it each time.

“For many, they are going to be doing this for their whole career—you have to embrace it! You cannot be prepared for everything and keep in mind that sometimes there is no perfect answer, and that is okay. After you are finished don’t beat yourself up. Ask yourself, ‘how can I do better next time?’ Strangely enough, my most significant advocacy learning experiences have been when severely challenged by the court and even sometimes ‘taken apart.’ While uncomfortable in the moment, it was a valuable teaching experience that motivated me to take nothing for granted and to improve the next time and the next.”

The legal research component of the course is one of the keys to success in the advocacy component. Maya’s advice to incoming students is simple: listen from day one.



“The lessons learned in the legal research component of the course will provide students with knowledge and skills to carry them through their academic and professional careers. Believe me, the McGill Guide is your friend!”

Reflections from a participant

“Participating in the first-year moot has been my favourite experience at law school,” said Raylene Mackey. “Although it was one of the most challenging processes I’ve gone through, it was incredibly rewarding. This mooting course is so different than any of the other 1L courses. It allows law students to learn about litigation early on.”

While Raylene participated in mooting during her undergrad, she found the UNB Law first-year moot unlike any she had done before.

“The moot was unique for me since it required all students to start the process from scratch. We relied heavily on the provided problem facts, the grounds for appeal, and advice from Professors Alexander and Hamou.”

Her favorite component of the course was the opportunity to deliver oral arguments in front of the panel of judges, which included the Minister of Justice/Attorney General.

“It was at this phase where everything came together—it felt like ‘showtime.’ The moot hearings allowed me to demonstrate just how much work I had put into the entire process. When tested by the panel of judges throughout my oral arguments, I felt comfortable and confident in my responses to their questions. I learned from their feedback and will be better at mooting in the future as a result.”

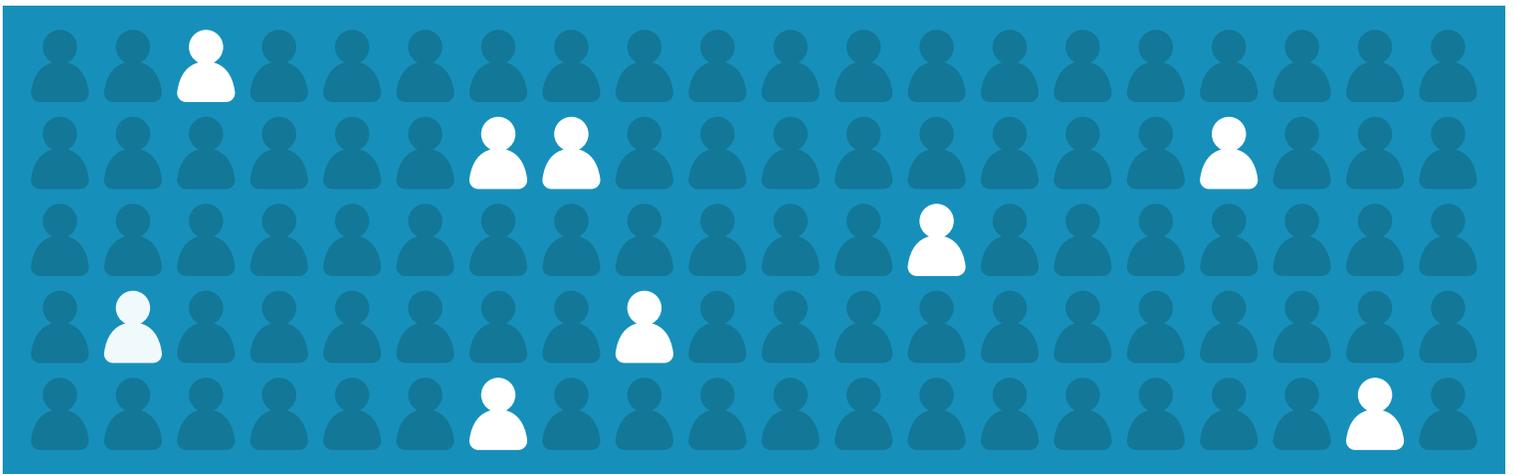
For Mackey, the moot was also a lesson in concision. She found the time limit on the oral submissions a challenge, but also an important learning experience.

“I didn’t get to say everything I wanted to. Working within the given time allotment will be an important skill to develop moving forward. It is best to say what is most important in a concise way that is easily understood.”

Her advice for incoming 1Ls is to put in as much effort as they can from the outset.



“Put 110% effort into the process. The more work you put into the stages leading up to oral submissions, the more likely you will feel comfortable, prepared, and ready to conquer the court! Have fun, enjoy the ride, and definitely go to Basil and Maya with any questions or concerns because they are incredibly helpful along the way!”



100 INTERNS

offers practical experience during uncertain times

The COVID-19 pandemic has had a devastating impact on law students across the country. Summer work plans have been derailed by the spread of the virus, and many students are struggling to find alternative employment. Peter Sankoff's *100 Interns* program is providing some relief for students through a series of paid internships in constitutional, criminal or animal law.

After seeing the effect of the pandemic on the law community, Sankoff, a criminal defence lawyer and University of Alberta law professor, set the lofty goal of pairing 100 law students in need with practitioners and scholars.

"Peter is dedicated to promoting student success," said Professor Nicole O'Byrne. "What he has managed to do over the last few weeks is remarkable. This is an extraordinary opportunity for our students to see how exciting the areas of public law, criminal law and evidence can be."

Nine UNB Law students have been selected to participate in the program along with Professors Nicole O'Byrne and Hilary Young, who have taken on interns of their own.

First-year students Patrick Leger and Alexandra Youssef have accepted internships with Toronto-based criminal defence lawyers Nathan Gorham and Breana Vandebeek (Gorham Vandebeek LLP).

"This internship has provided me with stability and a way to continue developing my legal education despite the uncertain and discouraging circumstances that COVID-19 has put us in," said Alexandra. "My placement has been heavily focused on researching issues relating to criminal law and applying that research to active cases. I have been writing memos, drafting briefs, and occasionally accompanying my mentors to court hearings."

"It has always been a goal of mine to work in criminal justice," added Patrick. "I did not think I would have the opportunity eight months after starting law school."

Fellow first-year student David Bunce will be interning with Lisa Silver, a criminal law professor at the University of Calgary. David will be assisting Prof. Silver with her blog and podcast, *ideablawg*.

"I believe I was chosen because of my background at Vidyard, a tech start-up focused on video communications. Professor Silver is looking for my assistance in making the podcast more easily accessible and listenable. I will also have the opportunity to assist in writing a blog post and recording a podcast."

“There are lots of lawyers out there doing fascinating work in criminal law and evidence. It is an area of law where mentorship matters more than almost any other area of the law.”

Ideablawg was the first blog to be cited at the Supreme Court. The blog primarily focuses on recent Supreme Court decisions. The accompanying podcast is a section-by-section analysis of the Criminal Code.

Melissa Lukings will be interning with Megan Savard, a partner at Addario Law Group LLP, based in downtown Toronto. Savard is a trial and appellate advocate who specializes in criminal and constitutional issues. Melissa will spend the entire summer with Savard working on a pro bono project involving issues of carceral justice, specifically relating to female offenders.

Melissa applied to the *100 Interns* program after seeing a few shared social media posts online.

“I really didn’t expect to be hired, or even get offered an interview, but I decided to take the chance and apply anyway. I heard from Peter very quickly and was fortunate to be offered an interview with Megan Savard after a couple of days. After reading about Megan and her work, getting to meet her on Zoom felt a bit like what I imagine it would feel like to meet a rock star, but with less music and more law.”

Blaine Cowan has accepted an internship with lawyer Bob Buckingham, an advocate for access to justice practicing in criminal law, family law, wills and estates, personal injury and civil litigation, and corporate/commercial work.

“I will be working as a legal researcher for three criminal law projects. The first two projects are defending two different accused persons for separate murder cases. The third project pertains to defending the accused in a major fraud case. I will be examining about 800 pages of business and legal documentation for the third project.”

Alexandria Armstrong will be working with Prof. O’Byrne dissecting the evidentiary issues of the first two Oland trials.

“We will be focusing on the illegally obtained evidence component of that case,” said O’Byrne. “Alexandria will be responsible for organizing and reviewing all the materials that have been generated from the case and structuring an outline for the paper, which we will then write together.”

O’Byrne sees the *100 Interns* program as an opportunity for students to see how challenging it is to practice criminal law, how much need there is, and how exciting an area it is.

“There are lots of lawyers out there doing fascinating work in criminal law and evidence. It is an area of law where mentorship matters more than almost any other area of the law. Hopefully, these internships will show students that there are other jobs aside from corporate/commercial law. You can have an interest in the area and parlay that into employment.”

Other UNB interns include Lori Wareham, who will be working with Lisa Watson; Graeme Hiebert, interning with Karen Scullion; and Chelsey Buggie, who will be joining Daniel Brown Law.

All of the internships in this program are being funded either by the mentors themselves or through donations, primarily from other lawyers, educators, and legal professionals.



Professors BELL & MCEVOY

retire from the faculty

David arrived in Fredericton as a first-year law student in 1977. Five years later, he began as a part-time instructor teaching Contracts (of course), and in 1985 he was hired by Dean Karl Dore on a full-time basis.

“At retirement I’d been on staff one way or another for 37½ years,” said Bell. “That isn’t quite as long as it seems because the years leading UNB’s faculty union kept me out of the classroom.”

David’s love of teaching came as quite a surprise: he had never intended to be a teacher, and in his words, “positively disdained the idea.”

“It was the part-time teaching I did in the early 1980s that caught me. The experience was such a pleasant surprise; the feeling never left me.”

David’s passion for teaching has not gone unnoticed. He has been nominated by students at either the University or the Faculty level for recognition six times, winning the 2018-2019 UNB Law Teaching Excellence Award.

The Law School and the University owe a debt of gratitude to Bell for his tireless work in preserving institutional history. In anticipation of the school’s centennial in 1992, he turned out a book-length history of UNB Law titled *Legal Education in New Brunswick: A History*. Bell tells the story of the UNB law school and the people who shaped it over its first century.

“I had immense help from Donald Rowan (LLB 1988). Interviewing alumni going back to the 1920s was rewarding. We have detailed records



for the early years on student family background—particularly parental occupation and religion—so I was able to show how accessible legal education was to men and women of modest background until the anti-immigrant panic of the 1920s prompted the raising of admission standards. The sociological profile of law students has never been the same.”

David’s research and writing pursuits always begin with curiosity. He considers university professors as the only people in society with the luxury of undertaking curiosity-driven research, which in his case has ranged from slavery to religious freedom, to wartime smuggling, to the “good old doctrine of reception.”

“I’ve written many things I’m fond of. There are two pieces showing how 19th and early 20th century Maritime intellectuals explained whether and how aboriginal dispossession was lawful. There’s an interesting piece on

“It was the part-time teaching I did in the early 1980s that caught me. The experience was such a pleasant surprise; the feeling never left me.”

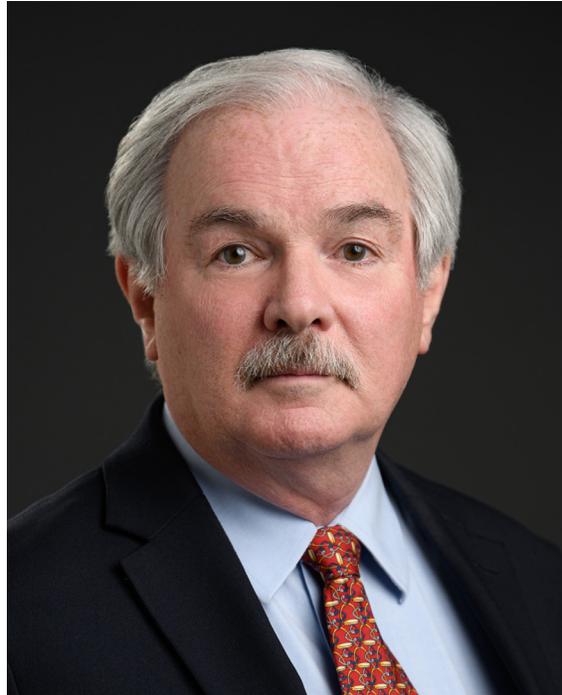
how raising the educational bar for law school admissions in the 1920s changed fundamentally who could become a lawyer. The context for that essay came from research in the histories of the UNB and Dalhousie law schools (detailed above). I’ve done two enjoyable pieces on 19th-century women’s history and quite a few articles on the legal profession.”

Bell’s decision to retire came easily. He sees a bright future for UNB Law. “Many alumni will know of the time a few years back when the Faculty was very short-handed and had other severe challenges. Those years took a toll. Nowadays, things are truly looking up. It’s a testament to the quality of recent faculty appointments that I wanted to make space for more new voices in the classroom. Deciding to retire was almost as simple as that.”

David sees his retirement as providing the luxury of more focused scholarship—an opportunity to continue his study of American Loyalists in exile.

“My first book laid bare the constitutional and political cleavages at the heart of New Brunswick’s founding as a colony. Ultimately there would be three books on that topic. I also wrote a rather recondite book on radical Protestantism in the Maritimes at the end of the 18th century. Right now, I’m doing its sequel, taking the story through the War of 1812 years.”

In his final thoughts, David reflects on his UNB years as a true privilege. “I was privileged to attend as a Beaverbrook scholar. I was privileged to get the legal education that took me on to Harvard. It’s been a privilege to enter into the intricate teacher/student relationship with 1500 Law students. It has been a privilege to work, in good times and in bad, with committed staff and teaching/library colleagues. It’s been a profound privilege—I still marvel at it—to have been given a job and told to go out and enrich our common culture by following scholarly curiosity wherever it leads. The teaching job is done, but in the little study at Blackacre Cottage the curious pursuits continue.”



John arrived at UNB as a law student after graduating from STU with a BA (majoring in economics) in 1975. He completed his LLB at UNB Law in 1978 and, in 1982, graduated from Osgoode Hall with his LL.M. He joined the law school as an Assistant Professor on July 1, 1980.

Since that time, John has become a pillar of UNB Law. While Constitutional Law and Conflicts of Law have remained his mainstays, he has practically done it all in the classroom. He has taught 19 different courses including Advanced Torts, Commercial Paper, First Nations Self Government Agreements, International Law, Labour Law, and Natural Resources law, to name a few.

“Throughout my career, I’ve had the pleasure of teaching a great number of interesting subjects,” said McEvoy. “I was also given the opportunity to develop Aboriginal Law and Human Rights courses early in my career and really enjoyed the challenge. After teaching Aboriginal Law for a number of years, I was happy to hand that off to another faculty member with graduate work in that area. I like to learn—I try to be helpful and recognize my limitations.”

John also taught specialty courses outside the UNB curriculum—an intro to constitutional law course for MLAs, and an intro to the legal rights provisions in the *Charter* for the local police force.

“I have really enjoyed my time at UNB Law and will miss the students and the collegiality of the faculty most.”

According to McEvoy, a successful teacher is one who is responsive to students and flexible. Throughout his career, he strove to keep things fresh in his classroom and reach his students through hands-on learning.

“I tried to change my teaching methods regularly. I would pose a fact pattern and ask some questions, then have the class vote on an answer (A, B, C, or D) followed by a discussion of the varying viewpoints of the class. I would also present a problem then break the class into small ‘buzz’ groups. I would walk around the room listening and giving hints and intervening if they were going off track.”

John received the Faculty of Law Teaching Excellence Award in 2013 and has appeared in MacLean’s magazine on the list of “the most popular professors at UNB.”

Some of John’s favorite UNB memories came while working with the competitive moot program. For many years he coached teams for the Gale, Harrison, Jessup, Kawaskimhon, Laskin and Wilson moots. He also coached the Trilateral Moot between Dalhousie, UNB, and the University of Southern Maine in Portland.

“I really enjoyed my work with the competitive moot program. I never treated these moots like a regular course. I looked for and graded on the basis of improvement. There is something very rewarding about watching these students get better and better as the semester progresses. I also really enjoyed seeing the parents watch their sons and daughters take the podium for the first time. That was very rewarding.”

“I remember having a discussion with a moot team member who hadn’t demonstrated sufficient improvement though the moot was quickly approaching. Later that evening, as I walked up the hill to my car, I noticed the lights on in room 2B. The blinds were up and I could see that student standing at the podium rehearsing their arguments to an empty room.”

From 1997 to 2007, John, with Prof. DeLloyd Guth of uManitoba, co-edited special editions of the UNB and uManitoba Law Journals dedicated to the jurisprudence of Justice Ivan C. Rand.

“The Law Journal was always a challenging responsibility but it was a wonderful experience—working with the student editors was always a joy.”

Throughout his 40-year career, John published books, book chapters and more than 50 articles, comments, reviews in such journals as the National Journal of Constitutional Law, Alberta Law Review, Review of Constitutional Studies, Dalhousie Law Journal, McGill Law Journal, UNB Law Journal, Advocates’ Quarterly, Supreme Court Law Review and Criminal Law Quarterly.

“Early on when the *Charter* came out, I published *The Charter as a bilingual instrument* for the Canadian Bar Review. I was really proud of this one. I determined that the Charter needed to be presented as a bilingual document, not as an English or French version. I had found a discrepancy between the languages—think “would” versus “could.” I’m told the editors brought it to the attention of the court, who noted the differences between versions and changed their practice.”

John recently completed a collaborative work with Dean Kleefeld on judicial independence; it will be published in Volume 98 of the Canadian Bar Review.

In retirement, John plans to continue his legal research. He is currently working on a project involving the conflict-of-law case *Huntington v Attrill*, which took him to the archives in Massachusetts to review case files and to purchase a copy of the appeal file of the US Supreme Court.

“I have really enjoyed my time at UNB Law and will miss the students and the collegiality of the faculty most. What do I plan to do in retirement? Golf. I enjoy golf, and now that I’m retired, have no excuse!”

Reflections from a colleague

Former Dean John Williamson knew both Bell and McEvoy as students and worked with them as colleagues upon their joining the Faculty.

“How can you not appreciate the impact of losing David Bell and John McEvoy at the same time? They will unquestionably be missed: their institutional memory; their teaching of key elements of the core curriculum; their service to the Faculty, University and profession; and their unwavering commitment to the institution. It is a huge loss. Over the past four decades they have been instrumental in shaping the Faculty, making it the success it is today. I cannot say enough about the support that both provided through difficult times. The Faculty needed people to step up and they did without hesitation or reservation, taking on heavier committee loads, picking up courses and providing leadership by their example. I extend my sincere best wishes to both on their retirement.”



JANET AUSTIN

speaks at Europe's largest stock exchange

This past March, Professor Janet Austin flew to Paris to deliver a series of talks on market manipulation at Euronext, continental Europe's largest stock exchange. Euronext operates exchanges in Paris, Amsterdam, Oslo, Dublin, Lisbon and London.

"The project was to speak to Euronext and European Securities Regulators about the problem of pump-and-dump stock market manipulation schemes in micro/small capital markets and to discuss and work on possible solutions."

According to Janet, pump-and-dump manipulation schemes occur when the perpetrators of the scheme acquire a large holding in the shares of a company and then, by either making false or misleading statements about the shares or by making it look like there is a lot of active trading in the shares, works to increase or 'pump' the price of the shares. After the price has risen because of these artificial devices the perpetrators sell or 'dump' the shares at the higher price. Without the artificial support, the price of the shares then comes crashing down, leaving the victims of the scheme with worthless shares.

The speaking invitation came about after Austin was contacted by a compliance officer at Euronext, who had read her book, *Insider Trading and Market Manipulation: Investigating and Prosecuting across Borders*.

"The audience included Euronext staff, compliance officers from brokers and banks and securities regulators from across Europe who supervise European securities markets, including Euronext."

Janet believes that, while many may consider pump-and-dump schemes as merely a problem for uneducated investors, there is a much more important impact on securities markets and the economy as a whole.

"These schemes significantly interfere with the integrity of small capital markets by seriously disrupting investors' confidence in these markets. They have even caused the closure of some of these markets. This is a problem because small capital markets are important venues which work to foster the growth of small to medium enterprises, and such enterprises account for a significant proportion of jobs and job growth in an economy."

Furthermore, Austin sees this as a global problem in which the perpetrators can and do target many of the smaller capital markets in the world because of the multi-millions of dollars that can be made from these schemes. As such, she urged regulators to coordinate their efforts globally, to learn from each other and share information.

"It is possible to stop or at least limit the number of pump and dump schemes. This will take a lot more coordination between those responsible for regulating the markets. Pump-and-dumps need to be detected early, recidivists need to be identified, and effective enforcement action needs to be taken against them."



Responding to COVID-19

The 2020 winter term will go down in history as one of the most challenging and unusual for UNB Law.

With only weeks left in the semester, the law school was faced with the unprecedented task of modifying all coursework and delivery, overhauling the examination process, and adapting to a new grading structure, all in response to the COVID-19 pandemic.

On March 14, the University suspended operations to allow faculty and staff to migrate all courses online for remote delivery. Faculty members hosted meetings using video conferencing software to discuss different strategies for shifting to online delivery. By March 23, syllabi were modified, and lectures went virtual through Microsoft Teams.

“This was a collaborative effort,” said Associate Dean Marin. “We had an ongoing MS Teams support group where faculty shared ideas and trained each other on the software. Our faculty team moved quickly, ensuring as little disruption as possible for our students.”

As a program approved by the Federation of Law Societies of Canada, third parties—particularly employers and law societies—rely on the fact that exam results and grading reflect the competence of the students. The law faculty aims to provide a uniform exam writing experience, with all exams administered centrally through the office of the Associate Dean. Typically, these exams are given in-person and invigilated during the exam period—this was no longer possible.

“We had to develop a new system for writing exams remotely,” said Marin. “The challenge was to create a procedure that would accommodate the unique circumstances that our students, faculty and staff found themselves in, but also maintained the security and integrity of our exams.”

First and foremost, the faculty set out to ensure that the solution was responsive to the new situation that students found themselves in. Many students left NB for their home provinces—and their home time zones—making unified start times impossible. Some found themselves living in circumstances that did not allow them to sit for long periods without distraction. Many students moved back home to be with their families; some were caring for loved ones who were ill or immunocompromised.

After significant discussion with faculty, staff and students, the decision was made to offer online exams written in 24-hour windows. The exam start time was the same for all students, and they could choose to write that exam at any time during those 24 hours. Once a student accessed the exam, he or she would have a set amount of time to complete it. An extra one-third time was given to students to compensate for technical issues and to accommodate for the unusual writing circumstances.

Said Marin: “Our academic team of Joanne Levinson, Linda Moore and David Anderson were primarily responsible for exam administration and the new grading system. All of that required huge adjustments for them, working from home, under new rules on new systems. They really rose to the challenge and I can’t thank them enough.”

Program Support Officer David Anderson developed the software used to administer the exams. Within two weeks, David was able to figure out the best and simplest way to administer exams safely and securely, in a manner that was fair to students and that maintained anonymity. The software allowed the academic team to monitor exam start times, editing times, and submission times.

“David took on a huge leadership role. He developed a system that was seamless for students and faculty. David, Joanne, and Linda deserve so much credit for the successful completion of the term. They were on call 24/7 during examinations to help with any issues that arose.”

LSS President Molly Murphy felt the exam review process was inclusive and that information was given to students in a clear and timely manner.

“The executive appreciated Associate Dean Marin reaching out to meet and get our perspective on the changes made to the exam procedure. It felt as though the student perspective was integral to the

changes made to examinations. That reflects a faculty that is trying to take all steps to minimize the impact on students now and moving forward. The exam procedure, while imperfect, was flexible enough to meet the needs of students while maintaining the integrity of the examination system during a very difficult time.”

The University adopted a grading policy that gave students the option of selecting credit/no credit instead of a letter grade on their transcripts. This decision was consistent with most Canadian law schools that implemented some form of credit/no credit grading.

“We knew that it was inevitably going to be imperfect—you cannot please everyone. I am happy that the University made the decision and stuck to it,” said Marin. “What that did was provide some certainty for students in a very stressful circumstance. I met remotely with many students to explain the implications of making the decision and what it might mean for future recruitment cycles and grad school applications.”

UNB Law is also thankful for the hard work of the admissions team (Wanda Foster and Stacey Hovey) and Career Services Officer, Gillian Tillard, who recently took over for Martha McLellan, who is on leave.

“COVID-19 could have had a major impact on admissions. If the applicant pool is concerned about what is happening with the law school, they will choose to go somewhere else. Wanda and Stacey reached out to all prospective students individually to update them on the situation, answered their questions, and put their minds at ease.”

Career Services was hugely impacted by the pandemic. Many law firms had to postpone or cancel summer positions or defer articling start dates.

“Gillian has done a fantastic job stepping into a crisis. She has been advising students on their next moves and seeking out internships and other law-related work. She has been the liaison to employers, ensuring our students know exactly what is happening with employment. The most important thing an institution can do during a crisis is provide some certainty. Our faculty and staff did just that.”

The COVID-19 pandemic changed the way the world works. UNB Law came together —while staying apart—in a truly exceptional way to end the semester. Kudos to all!



Hilary Young **boosts UNB Law's research profile**

Professor Hilary Young has received a \$70,833 research grant from the Social Sciences and Humanities Research Council (SSHRC). Her research project will focus on injunctions concerning speech, with a particular focus on online speech.

"The law has different rules for when it will order people not to speak," said Hilary. "This can depend on the stage of the proceeding or what kind of wrong is alleged. It's very difficult to get an interlocutory injunction to remove alleged defamatory speech, for example, but much easier where the allegation is breach of privacy. Those rules didn't always make sense even in an offline world but we should now also consider whether changes are needed in light of new communication technology."

The project's objective is to help the law achieve a better balance between preventing unlawful speech and protecting free speech in setting out when courts should order people not to speak, on what terms, and with what consequences if they fail to comply.

"Getting the balance right is fundamentally important and the law has arguably been unsatisfactory for some time. Adding to the need for this work is the fact that digital technology has altered the potential effects of unlawful speech. It may spread more quickly and more widely, may persist and may be linkable to individuals through search engines. It may affect societies as a whole. This is highly relevant to the question of whether and how orders prohibiting speech should be made."

Hilary is eager to get started on this project and is looking forward to using the funds to get UNB Law students back to work.

"The COVID-19 pandemic has taken a toll on summer job prospects for many of our students. This grant certainly came at a good time—I am excited to be able to put some of our students to work as research assistants."



“This grant certainly came at a good time—I am excited to be able to put some of our students to work as research assistants.”

Creating a Revenge Porn Tort for Canada

This grant comes on the heels of the release of Young’s edited volume, *The Canadian Law of Obligations: Access to Justice*. It is a collection of papers on topics related to the law of torts, contracts, and unjust enrichment. It is being published both as a special edition of the *Supreme Court Law Review* and as a stand-alone volume. The papers were first presented at the Canadian Law of Obligations conference that UNB Law hosted in May 2019.

Hilary contributed a paper to the volume: *Creating a Revenge Porn Tort for Canada*, co-authored with Prof. Emily Laidlaw of the University of Calgary.

“The non-consensual images (or “revenge porn”) project really came to us. Emily and I had worked together on a different law reform project for the Law Commission of Ontario focusing on defamation and internet intermediary liability. We were approached by the Uniform Law Conference of Canada (ULCC) to help create a model tort for the non-consensual disclosure of intimate images. It overlaps with Emily’s and my expertise in online privacy, defamation and communications-related harms more generally—we had a lot of expertise we could lend to the topic.”

According to Young, revenge porn was already illegal so the real issue was how best to achieve access to justice.

“The system is not very helpful to victims of revenge porn,” she said. “Normal legal processes may impose a really high onus of proof; they might require you to hire a lawyer to get you through complicated aspects of privacy law. You may have to spend a lot of money. Our existing laws are not well-suited to getting quick and effective remedies for these kinds of torts. As you can imagine, what people really want most of all is to get this stuff taken down from the internet and for it to be deindexed from search engines. The idea here was to create a simple tort that people could avail themselves of quickly, simply, and cheaply.”

Young also contends that laws are not the only or even the best solution to the problem of non-consensual distribution of intimate images, but they have an important role to play. “In terms of how to get something taken off the internet, that is an interesting and difficult question. Depending on how widely the content is spread, sometimes you simply can’t, but sometimes you can and a court order goes a long way. Even corporations not bound by Canadian court orders will sometimes remove content or deindex URLs from search engines if a court declares the content to have been illegally published.”

HERE IS WHAT SOME OF *Our Law Alumni* HAVE BEEN UP TO

2019/2020 Queen's Counsel

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

British Columbia

Louisa M. Winn, QC (LLB '93)

New Brunswick

Cynthia Jeanne Benson, QC (LLB '91)

Donna L. MacEwen, QC (LLB '89)

Matthew M. Tweedie, QC (LLB '93)

Frederick A. Welsford, QC (LLB '82)

Richard A. Williams, QC (LLB '87)

Newfoundland & Labrador

Brenda Duffy (LLB '90)

Chantelle MacDonald Newhook (LLB '94)

Gregory M. Smith (LLB '88)

Nova Scotia

Lydia S. Bugden (LLB '91)

Camille Cameron (LLB '81)

Robert B. Carter (LLB '98)

'73

BOB JETTE (LLB) has received the Royal Norwegian Order of Merit for his service to Norway as New Brunswick consul. Established in 1985 by the king of Norway at the time, Olav V, the Order of Merit is conferred on foreign and Norwegian nationals for outstanding service in the interest of Norway. Jette was made a knight first class, a sub-order of officer of the Order of Merit.

'75

HARRY H. WILLIAMSON, QC (LLB) was named the 2019 Franklin O. Leger, QC Award recipient by the Law Society of New Brunswick. The award is given in recognition of outstanding meritorious service, dedication, or contribution in accordance with the highest ideals of the legal profession.

'90

KRISTA L. COLFORD, QC (LLB) was appointed as Judge of the Court of Queen's Bench of New Brunswick, Family Division. Prior to this appointment, Justice Colford practiced civil litigation and administrative law with the NB Legal Services Branch for 23 years.

SHIRLEY MACLEAN, QC (LLB) was named the new Government of New Brunswick commissioner of official languages. MacLean, the current deputy executive director of the New Brunswick Law Society, has been appointed to a seven-year term with the province.

'91

ROB BYRNE (LLB) was appointed Senior Vice-President Academic at Loyalist College in Belleville, ON. Prior to this appointment, Rob served as Interim Vice-President, Academics, and Associate Vice-President, Academics for the College of the North Atlantic in Qatar.

'94

NATALIE L. GODBOUT, QC (LLB) was appointed as justice of the Court of Queen's Bench of New Brunswick, Family Division. Justice Godbout was a co-founder and partner of the law firm Godbout Fawcett in Saint John. She has been practising law for 24 years, is fluently bilingual and has extensive experience in litigation, negotiation, and advocacy in the areas of insurance, professional liability, and health law.

'95

MICHELLE K. CHRISTENSON (LLB) was appointed as justice of the Supreme Court of Nova Scotia, Family Division. She practised with Pink MacDonald Harding and Warner Jacquard before becoming a Senior Crown Attorney. Justice Christenson's primary area of practice was family law.

'97

DIANE ROWE (LLB) was appointed justice of the Supreme Court of Nova Scotia. Prior to this appointment, Justice Rowe served as Senior Solicitor

with the Nova Scotia Department of Justice, where she advised the Office of Aboriginal Affairs, the Made-in-Nova Scotia Process, along with several other government departments and Crown corporations.

'01

KERRY O'REILLY WILKS (LLB) was honored by law.com for her extraordinary leadership and business acumen and commitment to advancing the empowerment of women in law. Wilks is the Chief Officer, Legal, Regulatory and External Affairs for Canada's largest clean electricity provider, TransAlta Corp.

'03

ERIN T. MITCHELL (LLB) was appointed as full-time Commissioner to the PEI Regulatory & Appeals Commission. Throughout her legal career, Erin focused on criminal and civil litigation. She joined the public service in 2010 as a Director with the Department of Justice and Public Safety before serving as Deputy Minister of Justice and Public Safety and Deputy Attorney General.

'04

ROBIN AITKEN, TEP (LLB) was appointed Managing Partner of the Cox & Palmer Prince Edward Island Offices. Robin practised in the areas of estate and tax planning, corporate and commercial transactions, commercial and residential property, estate administration and probate work. She is the President of the PEI Branch of the Canadian Bar Association.

BRANDON D. TIGCHELAAR (LLB) was named Partner with Beard Winter LLP. Brandon practices with a focus on private mergers and acquisitions and general commercial matters. He also has significant experience advising public issuers on financings, compliance and governance matters, and, in conjunction with his broad commercial practice, enjoys assisting with the planning and implementation of tax-efficient reorganizations of private entities.

'06

MARC BEAUBIEN (LLB) was named a "Rising Star: Leading Lawyer Under 40" by the national publication Lexpert Magazine. Marc is a partner at the Cox & Palmer Halifax office specializing in real property law, advising clients with their commercial real estate acquisitions, leasing and financings.

'08

STEPHANIE M. SHEPPARD (LLB) was named a "Rising Star: Leading Lawyer Under 40" by the national publication Lexpert Magazine. Stephanie has a practice focused exclusively in labour and employment law,

representing both provincially and federally regulated employers. A significant aspect of her practice involves managing labour relations matters, including grievances and arbitrations, for the Lower Churchill Project.

'09

ANDREW WOODLAND (LLB) was appointed Alumni Representative for the Memorial University of Newfoundland's Board of Regents. The Board of Regents is the corporate body of the University responsible for the management, administration and control of the property, revenue, business and affairs of the institution.

'11

CAITLIN MAHONEY (LLB) was named Partner at Cox and Palmer Moncton. Caitlyn has appeared at all levels of courts throughout New Brunswick. She has extensive legal practice focused on commercial litigation, insurance litigation and restructuring & insolvency law.

HASAN NAQVI (LLB) was named Partner with Blaney McMurtry LLP. As a member of the firm's Corporate & Commercial Group, Hasan advises clients on business structures, tax efficient corporate re-organizations, regulatory and compliance matters, secured financing transactions, as well as purchase and sale transactions.

'12

RYAN KNIZNIK (JD) was named Partner with Blaney McMurtry LLP. As a member of the Family Law Group, Ryan will advise clients on complex matters such as child and spousal support, property ownership and division issues, as well as parenting matters.

'14

MYRON MALLIA-DARE (JD) has joined Miller Thomson LLP as an Associate. Myron specializes in complex technology matters relating to IT procurement (traditional and agile methodologies), payments, licensing and commercialization, app development, cybersecurity and the protection of intellectual property rights. He also advises on legal issues relating to fintech, blockchain technology and smart contracts and artificial intelligence.

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

SUBMIT YOUR NEWS TO NEXUS@UNB.CA

Submissions may be edited for space.

Rand & Viscount Bennett lectures



Environmental Protection and the Abject Failures of the Common Law

In late October, Professor Bruce Ziff of the University of Alberta Faculty of Law presented the twenty-fifth installment of the Ivan C. Rand Memorial Lecture Series. Professor Ziff's lecture, *Environmental Protection and the Abject Failures of the Common Law*, focused on the state of legal protections for the environment prior to the extensive legislative reforms that emerged in the late 1960s and early 1970s.

Prior to the advent of those modern statutory instruments, the pertinent legal framework was furnished by the common law. In that regard, it is well understood that the law of torts played a prominent role. However, tort law was ill-suited to the task. While those limitations have been well understood and documented, less attention has been paid to the extent to which private property rights and doctrines also affected environmental matters.

As Professor Ziff noted, private property has been touted as a vehicle for environmental stewardship. The American scholar Robert Ellickson has offered that "[T]he preeminent advantage of an infinite land interest is that it is a low-transaction cost device for inducing a mortal landowner to

conserve natural resources for future generations." However, Professor Ziff stressed the extent to which fundamental principles of private ownership can, and have, undermined environmental protection. Private owners have incentives to protect their holdings; but they are also—absent strong legislative guardrails—empowered to ruin their lands.

Professor Ziff argued that an examination of property law's shortcomings is important. In the last two second decades, a supposedly novel approach to environmental stewardship has been advanced—free market environmentalism. This mode of regulation is based on the harnessing of market forces, not top-down government regulation, as an effective way to protect environmental interests. However, as Professor Ziff sought to demonstrate, such a position is not in fact new. It is, at its core, based on a belief in the capacity of private owners to use resources prudently and efficiently. It was just such a belief that has contributed to our current predicament, and led to the introduction of legislative reforms some 50 years ago. The common law, including the law of property, has been an abject failure in protecting the environment.



The New Crypto World Governance on The Margins

Dr. Allan C. Hutchinson, professor of law at York University's Osgoode Hall Law School, delivered the forty-first edition of the Viscount Bennett Memorial Lecture on January 30. Nearly 100 were in attendance as Hutchinson explored the regulatory challenges of cryptocurrency in his talk, *The New Crypto World: Governance on The Margins*.

Professor Hutchinson describes cryptocurrency as a borderless, decentralized/distributed digital currency. It is self-regulating through a set of protocols that form the underlying blockchain technology. It is pseudo-anonymous as the network shows transparency through its universal ledger—this same universal ledger ensures that transactions are permanent and unalterable. Hutchinson categorizes the five major players of cryptocurrency as users, developers/programmers, miners, permissioned networks, and exchanges/banks.

According to Professor Hutchinson, it is cryptocurrency's decentralized/distributed nature that poses the greatest challenge to the financial services sector, state-backed fiat currency, and to the regulatory authority and reach of the law. Cryptocurrency warrants a regulatory approach that can maintain its original appeal—decentralized control—while protecting not only crypto-users but the broader society.

A major regulatory challenge lies in the difficulty of defining cryptocurrency. Is it property? Currency? Commodity? Security? Sui generis? For Hutchinson, crypto cannot be shoehorned into a pre-existing

regulatory system. Regulation must recognize that the crypto world is truly a new world and a regulatory framework must be developed with this in mind.

Professor Hutchinson draws a comparison between the crypto/blockchain code developers and corporate directors, finding parallels in fiduciary duty. The code developers, he suggests, have a duty to protect the best interests of the crypto-users and, thus, make a tenable target for regulation. Hutchinson goes on to point out, however, that convincing these individuals to accept their fiduciary role will not be without its difficulties. Code-developers shy away from being professionally liable for obvious reasons. But, with ingenuity and constraint, a regime can be introduced that does not over-expose them.

Cryptocurrency will undoubtedly continue to dominate the headlines as familiarity and adoption continue to grow. UNB Law thanks Professor Hutchinson for delivering an entertaining and highly informative talk.

If you would like to read more about cryptocurrency regulation, keep an eye out for Hutchinson's article, "Breaking the Code: Cryptocurrency and Programming Proposal," in Volume 71 of the UNB Law Journal.

Thanks also to Professors Anne Warner La Forest and Jane Thomson, co-chairs of the UNB Law Speaker's Committee, for organizing these successful events.



“It is a tremendous opportunity to learn from some of the brightest students, lawyers, and judges in the country, while turning my mind to important legal problems and doing work that is helpful to the Court.”

CURTIS DOYLE

Secures Supreme Court of Canada Clerkship

In the summer of 2021, graduating student Curtis Doyle will be heading to Ottawa, where he will be clerking for the Honourable Justice Moldaver at the Supreme Court of Canada. As a member of a four-person clerkship team, Curtis will provide legal support to Justice Moldaver as he researches the law and writes his decisions.

“I’m most looking forward to learning how judges think about cases. It will also be a privilege to read the writing and to hear the arguments of some of Canada’s best litigators.”

The application process for a Supreme Court clerkship is exhaustive but UNB’s Clerkship Program aims to assist students through this process and provide additional support to those fortunate enough to receive clerkship interviews.

“Professors Marin and Thomson provided me (and the other interviewees) with a great deal of help in preparing for the interview,” said Curtis. “They put

us in touch with lawyers who gave tips on how best to conduct a Skype interview, and on what to expect during the interview itself. Their help was invaluable.”

Curtis found out that he received the clerkship on the final day of the March Reading Week, just as he returned to Fredericton from his home province of Prince Edward Island.

“I expected that I would, on that day, receive an email thanking me for my application but informing me that I had not been selected. Having checked my email probably five-hundred times that morning, I promised myself that I would not check again until the next day. Then the phone rang, and Justice Moldaver was on the other end.”

“As soon as I found out, I immediately told my professors and my family. Then I began to worry that I had imagined the whole thing. I remained worried until I received a letter in the mail confirming my offer. It is still hard to believe. I am very lucky.”

UNB Law students heading to provincial and federal courts, including the Ontario Court of Appeal

For the second year in a row, UNB law is sending a student to the Ontario Court of Appeal (ONCA). Erik Arsenault (2L) is set to complete his articles as a clerk to the ONCA, where he will be assigned to two judges in a bilingual clerkship role.

Erik believes this clerkship will be of tremendous benefit to his future legal career. “This clerkship is incredibly important. It presents an incomparable chance to learn about how the law works with some of the greatest Canadian judicial scholars in real-time.”

Graduating student Shayna Levine-Poch is off to the nation’s capital where she will be clerking with the Federal Court of Canada.

“I feel privileged to be chosen for a federal clerkship. I’m very excited to work one-on-one with Justice Heneghan performing legal research, drafting memos, and writing headnotes for her cases.”

Second-year student Dominique Goguen will be clerking with the Ontario Superior Court of Justice in Toronto as the sole bilingual clerk hired at the busy, downtown Court. Dominique is most looking forward to the opportunity to discuss observations with judges—the unique freedom afforded to clerks.

“This is what I am most excited about because it will allow me to gain invaluable insight into judicial

reasoning and the decision-making process. I will get to see how they determine what the law means.”

Fellow second-year student and Ontario Superior Court clerk Charles White echoes his classmates’ enthusiasm.

“Clerkships offer a once-in-a-lifetime opportunity to work in a position that is unique and presents different challenges than a traditional articling position. I am grateful for the support of other students and professors in the UNB Law community who helped me prepare my application materials and for interviews. This was not a one-person effort and they played no small part in it.”

We congratulate all seven law students who have secured judicial clerkships for 2021.

2021 Clerkship Recipients

- Erik Arsenault, Ontario Court of Appeal
- Curtis Doyle, Supreme Court of Canada
- Caitlin Gallant, Ontario Superior Court of Justice
- Dominique Goguen, Ontario Superior Court of Justice
- Shayna Levine-Poch, Federal Court of Canada
- Charles White, Ontario Superior Court of Justice
- Sonny Xue, Tax Court of Canada

“I am grateful for the support of other students and professors in the UNB Law community who helped me prepare my application materials and for interviews. This was not a one-person effort and they played no small part in it.”



In Memoriam

Eugene J. Mockler, QC (BCL '60)

31 December 1936 - 10 November 2019

In the Fall of 2019, Eugene J. Mockler, QC passed away. Pete, as he liked to be known, was a tremendous figure in the New Brunswick legal community and the model for a long and successful legal career.

Pete received his Bachelor of Arts from UNB in 1958. During all four years of his undergrad, he played for the varsity men's hockey team alongside his brother, Hub (Hubert). Pete also served as captain during his tenure with the Red Devils.

Pete began his legal education at the UNB Law School in Saint John before moving with the school to Fredericton in 1959—this made Pete a member of the last class at the Saint John law school and the first class at the newly opened Fredericton Law School. Pete excelled academically, winning the Carswell Prize for the highest standing in his second year of Law School. He was also heavily involved in extracurriculars, holding positions as Chairman of the Athletic Committee, Chief Justice of the Moot Court, and Chairman of the Telephone Committee. He graduated from UNB Law in 1960 with a Bachelor of Civil Law and was called to the New Brunswick Bar that same year. Pete received a full scholarship from the University of Michigan in Ann Arbor, where he graduated with his Master's in Law (specializing in tax law) in 1961.

Pete spent the next 60 years practising law in Atlantic Canada. He was the founder and owner of E.J. Mockler Professional Corporation in Fredericton, NB, where he specialized in trial advocacy, representing clients in cases of personal injury, malpractice, commercial litigation, tax, bankruptcy, employment, and criminal and family law.

Kevin Toner practised alongside Pete for nine years at E.J. Mockler.

"Pete was a great friend, teacher and mentor. He always had time to point me in the right direction in identifying issues. One file had me so perplexed that I was not even clear on how to frame my research questions. I told him about my difficulties and asked him where to start. He leaned back in his chair, looked up toward the ceiling, closed his eyes for a few seconds, then gave me the name and citation of a case out of the British Columbia Court of Appeal from the early 1980s. I retrieved it. That is where I found everything I needed."

Pete represented clients at every level of Court in New Brunswick, Prince Edward Island, Nova Scotia and Ontario. He was a passionate lawyer known for his grit and determination in the courtroom. He cared deeply about his clients, always putting their needs first.

“Early in our time together, I mentioned a matter I was working on and expressed that perhaps I was putting more work and effort into it than was necessary,” recounts Toner. “He told me that every client deserves nothing less than one hundred percent. Otherwise, we should not take on the task. That one observation best exemplified Pete’s commitment to his clients in daily practice.”

In 2015, Pete argued at the Supreme Court of Canada for the appellant in *Potter v New Brunswick Legal Aid Services*. Pete was recognized by Lexpert in their list of Top 10 Business Decisions of 2015. This case is regarded as the Supreme Court’s most comprehensive treatment of the law of constructive dismissal since its 1997 decision in *Farber v Royal Trust Co.*

Pete gave back to the legal community in a multitude of ways. He was a lifetime member of the New Brunswick Law Society, serving on its Council. He was a member of the Canadian Tax Foundation, sitting on the Board of Governors. He also gave back to his alma mater. Pete lectured at the Faculty of Law and sat on the LLB steering committee.

Toner remembers Pete as a man with a great sense of humour who never took himself too seriously.

“In the 1970s, Pete threw his hat in the ring as the local candidate for the Liberal Party of Canada in a Federal Election. He lost. He recounted recently that he should have contested the results as one poll in Burtt’s Corner showed him receiving only three votes when he had paid for at least five.”

Pete was a husband, father, brother, and grandfather. He is greatly missed by those who knew him.



UNB Law places second at the CNNC

The 2019/2020 academic year was hugely successful for the UNB competitive mooting program. Thirty students represented the black-and-red at competitions across the country—including the UNB-hosted Canadian National Negotiation Competition (CNNC).

The negotiation team of Danica Jorgenson and David McDonald placed second overall at the fourth annual Canadian National Negotiation Competition in Fredericton. The two-day competition saw 16 teams from 10 law schools across the country compete in simulated negotiations.

Jorgenson considers the second-place finish a collective effort and acknowledgment of the months of preparation put in by the UNB teams.

“We received so much help and support from our coach, Jen Davis, the other UNB team, Tanya Gulati and Jacob Elyk, and our alternate Chelsea Drodge, who participated in extra practices and always provided valuable and thought-provoking feedback.”

UNB teams spent the last six months preparing for the competition. The group met twice a week to engage in practice negotiations, negotiation video review, and detailed analysis of competition scenarios.

“We put in some very long days going over every scenario point-by-point,” said Jorgenson. “We developed a list of questions, possible negotiation options, and worst-case scenarios in an attempt to avoid being caught off guard.”

Fellow second-year law students, Tanya Gulati and Jacob Elyk, took home the prize for Best Communication and Relationship-Building Skills.

“I believe it is one of the best awards that we could have won,” said Elyk. “Interest-based communication can be used in almost any context involving conflict or any situation that requires

agreement. These communication skills are useful in both the professional realm and within your day-to-day life.”

Day 1 of the competition focused on two-party negotiations with both sides receiving a shared set of facts as well as confidential information known only to a particular side. Day 2 saw four teams compete simultaneously in the multi-party round of the competition.

“Multi-parties are definitely more challenging,” noted Jorgenson. “Both UNB teams subscribe to a very collegial negotiation style and a key factor in having success with that style is being able to build rapport with one’s counterparts. This is much more challenging with multiple sets of personalities and interests.”

Elyk echoed this sentiment: “Multi-party is more difficult, but the most fun. You need to focus on keeping track of all the different interests, and any solutions usually need to meet all these different and often competing interests. The ability to form alliances with other teams adds an extra level of strategy not found in the 1 v 1.”

“Consensual dispute resolution is an extremely important skill for law students to develop,” added Jorgenson. “The majority of legal disputes are settled outside of court. It’s a very valuable skill for every lawyer to have.”

UNB Law thanks the panel of 30 volunteer judges who provided invaluable feedback to participants and graduating UNB Law student Renna Eliakis, who organized the competition under the guidance of Dean Kleefeld and the CNNC organizing committee.

“Consensual dispute resolution is an extremely important skill for law students to develop.”

Danica Jorgenson



Competitive mooting across the country

Donald G.H. Bowman Tax Moot

The tax savvy team of Samer Alam (3L), Kathryn Leblanc (2L), Alexander Rimmington (3L) and Miranda Neal (3L) represented UNB Law at the Donald G.H. Bowman National Tax Moot in Toronto, ON. The team was coached by Professor Vokhid Urinov and Cox & Palmer (Saint John) Partner, Jack Blackier.

“The environment feels very real and makes you want to do your best,” said Samer Alam. “Tax law is quite technical at times and it was challenging to advance the arguments in front judges who were so insightful with their questions. It helped me to understand the design of our tax laws and public policy more broadly.”

2020 Gale Cup

Second-year students Dawson Harrison, Lori Wareham, Becky Noble, and Alexandra DeJong competed in the 2020 Gale Cup in

Toronto, Ontario. Dawson and Lori (respondents) received the Peter Cory Factum Prize for best factum. The teams were coached by Professor Hilary Young and Instructor Nathan Gorham.

“When it was announced that the UNB Respondents had won the Peter Cory Factum Prize, I think Lori and I shared a moment of disbelief,” said Dawson Harrison. “I am proud to have represented UNB and demonstrated what UNB Law’s mooting program is capable of.”

Jessup International Law Moot

The team of Erik Arsenault (2L), Kelsey Bennett (3L), Fahim Rahman (3L), and Victoria Tremblett (3L) made it to the finals of the 2020 Jessup International Law Moot. UNB Law took third place in the category of Applicant Memorial, fifth place in Respondent Memorial, and fourth place Combined Memorials. Erik Arsenault won second place in the Best Oralist category.

“It was an excellent experience that improved my confidence and legal research, writing, and advocacy skills,” said Kelsey Bennett. “It honestly felt surreal to make it into the finals. I was bursting with pride for our whole team...To any students considering getting involved in the Jessup, do not to think of it as just another course. It may only be worth one credit on your transcript, but it is an extremely rewarding experience and the more you put into it, the more you get out.”

Kawaskimhon Aboriginal Moot

Lucas Fraser (3L), Michiko Gartshore (2L), Christina Michelin (3L), Alicia Yvonne (3L) competed in the Kawaskimhon Moot at the University of Manitoba in Winnipeg. Kawaskimhon means “to speak with knowledge.” The competition is a multilateral negotiation about issues concerning Indigenous peoples. The team was coached by Professor Nicole O’Byrne and lawyer Gillian Paul (JD ’2012).



Congratulations to all competitors and coaches: it takes a tremendous amount of work to prepare for and compete in these events. You have represented UNB Law to the fullest! Thanks also to the members of the Moot Committee, whose commitment and work have helped us excel.



"The Kawaskimhon was unique from the beginning," said Michiko Gartshore. "it was not going to be similar to other moots because the goal was different. It is not about winning but rather to build and support relations between non-indigenous people and indigenous people. I loved the moot because I was able to build friendships with other law students in Canada and discuss potential solutions to real-world issues that affect indigenous people."

McKelvey Cup 2020 (Sopinka Cup)

Alexander Carleton (2L), Madeline Smillie-Sharp (3L), Holly Anna Burns (3L), and Stephen Wolf Power (3L) competed in the McKelvey Cup (Sopinka Cup) in Moncton, New

Brunswick. Alexander and Madeline took second place in the competition, with Madeline winning the award for Best Closing. The teams were coached by Professor Jane Thomson and lawyer Carley Parish.

"The Sopinka trial-level experience was new," said Alexander Carleton. "Not only did we have a judge, evidence to interact with, and counsel opposite to us, but there was also a jury (made up of lawyers) grading us. We were also given the opportunity for witness prep. My co-counsel (Maddie) and I met with our witnesses briefly to hear their accounts of the case. We then had about forty-five minutes to ask questions, do simulated cross-examinations, and explain the proceedings."

Wilson Moot

Caitlin Gallant (2L), Dominique Goguen (2L), Mitchell McGowan (3L), Charles White (2L), and researcher Emily Spillett (3L) competed in the Wilson Human Rights Moot in Toronto, Ontario. The teams were coached by Professor Kerri Froc and third-year student Ashley Wilson.

"I think the biggest challenge going into the moot was learning how to be flexible with oral advocacy," said Caitlin Gallant. "Successful mooting requires you to be able to adapt to the different benches and to think on your feet. Through practice, I was able to relax and learn how to be flexible and responsive when presenting."

UPDATE FROM THE PRESIDENT

Working Group on the Principles of Naming or Renaming University Places – Phase One recommendations

Since its establishment in 1785, UNB has had a rich, long-standing history in New Brunswick. With many of UNB's buildings and other spaces named after historical and contemporary leaders, conversations surrounding named places are happening within our university community, just as they are at many universities across North America.

Shortly after I began my term as president of UNB, students, faculty, staff and members of the public raised concerns regarding the name of Ludlow Hall on the university's Fredericton campus and as a result I set up the Working Group on the Principles of Naming or Renaming University Places.

The working group delivered its Phase One recommendations regarding the naming of the Faculty of Law building, Ludlow Hall, to me in April and I'm now pleased to announce that the group's examination and subsequent recommendations were unanimously approved by UNB's Board of Governor's on May 26, 2020. The Working Group's full report can be found on its website and the following is a summary of the approved recommendations:

- Effective immediately, the Ludlow name will be removed from the Faculty of Law building.
- A permanent display which explores Ludlow's history with slavery and Indigenous schooling in early New Brunswick will be installed within the Faculty of Law building. This exhibit will also explain why George Duncan Ludlow's name was removed from the building.
- Further, when it becomes possible, UNB will hold an educational event to share what the university has learned through the exploration of these historical issues, furthering UNB's path to Truth and Reconciliation by encouraging scholarship on the African-Canadian and Indigenous history of New Brunswick.

The Working Group's Phase One recommendations were based on thorough research and discussion. The recommendations were based on targeted consultation with academic and community groups and written submissions from members of the UNB community and greater public, historical research on George Duncan Ludlow, and an examination of information pertaining to Ludlow Hall's naming in 1968.

The Working Group continues its work in the review of named places at UNB. Phase Two of their work will result in recommendations to improve our policies and principles to consider any necessary changes that will guide our naming practices going forward. I am greatly appreciative of the work undertaken by the Working Group, and I want to particularly thank co-chairs Dr. Greg Kealey, Professor Emeritus of History, and Dr. Heidi MacDonald, Dean of Arts at UNB Saint John.

I want to also thank those who offered their time in consulting with us during this process and all those who offered their views and opinions.

Sincerely,

Dr. Paul J. Mazerolle

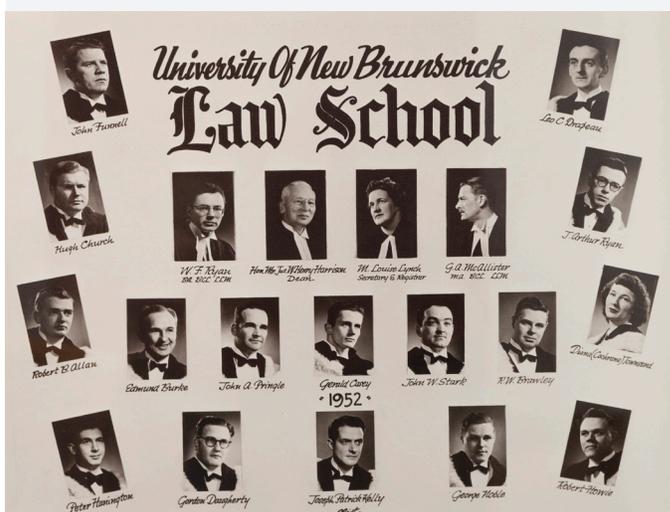
President and Vice-Chancellor

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



MISSING GRAD COMPOSITES

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

Thank you to Justice Bruce Noble for donating the Class of 1952 grad composite to the faculty.

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

Thanks to everyone who contributed to this issue.