

Faculty of LAW

NEWSLETTER
FALL/WINTER, 2020

THREE MANDATES OF THE
FACULTY OF LAW CURRICULUM

Aboriginal-
Indigenous Law

Natural Resources
Environmental Law

Small Practice
with IPC

From Strength to Strength



Message from the Dean

My first year at Bora Laskin Faculty of Law has been a year of firsts in the life of the faculty, the university, Thunder Bay, Canada and indeed the world. I can't begin to count the emails referencing "unprecedented times." We have all been reminded that we don't control what life throws at us, but also that we get to choose how to respond.

The Bora Laskin Faculty of Law, its students, faculty and staff have chosen to respond with kindness, professionalism and dedication.

We've had a very successful start to the term, mostly online, with a select number of in-person courses. A shout-out to the students and faculty who make the most of all that technology we are rapidly learning, and who roll with the punches when inevitable glitches occur! I had the privilege of teaching Foundations of Canadian Law in the first couple of weeks of the term, and have found the class of 2023 to be smart, hard-working, thoughtful and most importantly, supportive of each other.

We have also had a continuation of past successes. The Faculty's culture of excellence in teaching has once again been recognized, this time Prof. Dylan is the recipient of a university-wide teaching award. Exciting research continues to happen. As you will read, Prof. Alford has published a second book in as many years. The clinic is continuing its outstanding work. We welcomed back a stellar member of the Charter class in a new role as law teacher. And last year's new hires are settling into their new offices and new responsibilities. Thank you, dear supporters and members of the community that makes up the Bora Laskin Faculty of Law. It is because of your support and engagement that the Faculty continues to thrive, even as we navigate the challenges of 2020 together.



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Alumni Highlight

Larissa Speak - From Student to Instructor

Larissa Speak grew up in Thunder Bay and is a member of the Fort William First Nation. She completed an undergraduate degree in English literature at Lakehead University and went on to complete a Master's degree in English literature at Queen's University where she held a Social Sciences and Humanities Research Council grant.

She considered pursuing a PhD in English literature, but she felt drawn back to her hometown and she returned to Thunder Bay looking for a way to contribute meaningfully to the community. Around this time, Lakehead University announced the opening of the Bora Laskin Faculty of Law. Larissa attended Bora Laskin as part of the Charter Class. She graduated in 2016 and was awarded the Dean's Medal as the highest ranking graduating student in the faculty of law.

Following graduation, Larissa clerked at the Superior Court of Justice in Thunder Bay. She was called to the bar in Ontario in 2016 and she has worked as a Staff Lawyer at the Kinna-aweya Legal Clinic in Thunder for three years where she assists low-income individuals with income maintenance and housing issues. At the legal clinic, Larissa has represented clients at the Tax Court of Canada and the Canadian Human Rights Tribunal.

In addition to her position at the legal clinic, Larissa has returned to the BLFL to teach Indigenous Legal Traditions to its first year students. She enjoys team sports and spending time at home and in the bush with her wife and three small dogs.



BLFL's First Virtual Student - Zoe Fabris

To me, it made sense to have a B.A.B before acquiring my J.D. I had my daughter while I was in the thick of law school (winter semester of 2L). "How irresponsible" a person might think of a woman who makes this choice. Unfortunately, some did. But irrespective of what people thought, I did not see why I had to put off being a parent if I felt ready at that time.

This meant, from September to December 2019, I journeyed the early stages of pregnancy alone, 9 ½ hours away from my spouse and family. This was a trifling endeavour as the idea of me continuing my studies while pregnant was met with trepidation by some members of the faculty. Nonetheless, after much deliberation and planning with Dean Hughes and the administration, we eventually crafted accommodations to suit my needs. I became the guinea pig of Zoom law school classes.

In terms of the nuts and bolts of online learning, I learned to be forgiving and experimental with myself. From taking notes by hand, doing split-screen, having Zoom on one portion of my screen and my notes on another. I experimented and eventually found a setup that made me feel most comfortable. Lastly, I learned to set boundaries around my work. Setting those boundaries was even more important in a remote environment with a newborn and the constant distractions; there was always cleaning, laundry, and bottles to clean.

Looking back on the past chaotic year, I sometimes wonder how I managed to stay sane and optimistic about my future. I now realize that it was because I was young, inexperienced, and had an incredible support system that I could eschew the traditional career model and take a chance on the unknown. While this path may not be for everyone, I hope that, in sharing my experience I can contribute to a dialogue in which schooling/working parenthood is normalized, and we explore the many options that lead to a similar outcome.

Although my legal experience to date consists of changing diapers and burping my new associate, I feel like the token pregnant law school student: I will graduate on time, and I lived to tell about it.



Great News!

We are pleased to announce that Anya Scheibmayr, Student Services Advisor, welcomed a beautiful boy to her family! Wesley Lloyd made his

appearance on Saturday, September 19th, weighing 9 lbs 12 oz.

Since Anya will be busy with Wesley for the next eighteen months, we are excited to welcome back Sarah MacLeod from her maternity leave, to step into Anya's position. Sarah has been with the Bora Laskin Faculty of Law since 2014 and we are happy to have her back in her new position!

Student Services Update

Things may look a little different this year, but the Student Services team is working hard to deliver relevant and supportive programming to students. Orientation for our incoming 1Ls took place virtually and ran for two weeks at the beginning of September. 1Ls participated in a wide array of sessions, including Q&A's with Student Services; faculty introductions; director sessions; meet and greets with upper year students; presentations on topics like Truth & Reconciliation, online learning, and Human Rights & Equity; as well as a student-led panel on thriving in law school. They also engaged in some friendly competition during the LSS trivia night!

We were excited to launch two new initiatives for our students this Fall semester. The Student Interview Clinic allows students the opportunity to conduct a mock job interview with an upper year student acting as the "employer", and to receive constructive feedback on their interview skills. Our LGBTQ2S+ Mentorship Program aims to connect participating LGBTQ2S+ students with LGBTQ2S+ lawyers from the Thunder Bay and regional area in an effort to build a strong and inclusive legal community.

We are once again pleased to be running our very successful Dean's Fellow program, which sees upper-year students hired to provide academic support through peer-assisted group study sessions for our 1L courses. Additionally, we will be inviting students to apply for a variety of funded internships for the Summer of 2021, offered in collaboration with the Law Foundation of Ontario, the Law Commission of Ontario, the Law Society of Ontario, and Debwewin.



Our ever-popular and "newly virtual" Career Week took place during the last week of October. A variety of valuable sessions were presented to students including: Rural Lawyers' Panel, Cover Letter & Resume Review, Interview Tips & Tricks, Networking 101, and On Campus Interview preparation. Here's hoping we'll be able to host our in-person wine and cheese networking event next year!

We truly appreciate the efforts of our students and various student-led organizations who have stepped up this year and worked alongside Student Services to develop and deliver engaging virtual events. Whether it be trivia nights, morning Zoom coffee houses, or on-line yoga classes, we are all working together to create a positive and supportive remote learning and working environment. It is so encouraging to see how our students have risen to the occasion by navigating these uncertain times. Their resiliency and adaptability should be commended!

New Faculty Highlights



Semie Sama Assistant Professor

Semie Sama is an Assistant Professor at Bora Laskin Faculty of Law. Before then, she was a Postdoctoral Scholar with the Canada Research Chair in Human Rights and the Environment, where she researched legal and policy solutions to climate change, natural resources grabbing, deforestation, among other environmental issues.

Semie is also a United Nations Global Environment Outlook 6 Fellow, and contributed to the Sixth *Global Environment Outlook GEO-6: Healthy Planet, Healthy People*. Before joining Lakehead University, Semie was a Postdoctoral Fellow at McGill University and the Centre for International Governance Innovation, Waterloo, Canada.

Semie holds a Ph.D. in law (University of Ottawa, Canada); an LL.M. in global sustainability and environmental law (University of Ottawa, Canada); an M.Sc. in ecotechnology and sustainable development (Mid Sweden University, Sweden); an M.Sc. in environmental governance (Stockholm University, Sweden); and an LL.B. (University of Buea, Cameroon).

Dr. Sama has received numerous awards and honors, including the Social Sciences and Humanities Research Council (SSHRC) of Canada Award, the IUCN Academy of Environmental Law Scholarship, the University of Ottawa's International Admission Scholarship and the Minister of Higher Education Honours Prize of the Government of Cameroon.

Dr. Sama is a very welcome addition to our faculty!



Joan Braun Assistant Professor

Prior to joining the Bora Laskin Faculty of Law, Joan Braun worked in private practice in British Columbia while studying towards a PhD in law. Joan is a lawyer and a registered social worker and has Masters' degrees in both fields. She is a PhD

candidate at the Peter A. Allard School of Law, where her doctoral research explores the impact and effectiveness

of laws intended to protect vulnerable older adults. More broadly, her research examines elder law issues, from civil and criminal law perspectives as well as innovative uses of alternate dispute resolution. She recently published an article presenting preliminary findings of a research project that examines response to elder abuse in BC.

Prior to beginning her doctoral studies Joan was mediator in private practice and worked as a lawyer in the social justice sector. She served as the chair for the national executive of the Canadian Bar Association's Alternate Dispute Resolution Section and a

member-at-large on the executive for the Canadian Bar Association's Elder Law Section. Her accomplishments include founding the first legal aid clinic for older adults in western Canada. The clinic provided legal services to low income older adults who had experienced abuse, systemic discrimination, or other rights violations. As senior counsel she also oversaw public legal education and law reform initiatives. Her previous teaching experience includes courses in public law at the University of Northern BC and in restorative justice at the University of the Fraser Valley.

Welcome Professor Braun!

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- establish a legacy and safeguard future generations

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For more information contact **Lee-Anne Camlin**
T: (807) 346-7792 | E: rlcamlin@lakeheadu.ca
All requests remain confidential with no obligation.

*"Because of the **Coughlin-Courtland Family Bursary**, I was able to continue to pursue my educational goals – dreams, really – without financial hardship."*

KERI-LYNN DURANT,
2019-20 award recipient Coughlin-Courtland Family Bursary

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Tenille E. Brown Assistant Professor

Professor Tenille E. Brown was appointed an assistant professor in the Bora Laskin Faculty of Law in July 2020. Professor Brown brings expertise in the areas of property law, Aboriginal legal issues and human rights law, areas that she researches and teaches in. She is passionate about helping students to develop strong legal knowledge and analysis skills so that they can be successful lawyers and leaders in their field.

Professor Tenille E. Brown holds an LL.M. from the University of Ottawa in the field of Aboriginal law and the then-draft Declaration on the Rights of Indigenous Peoples, and an LL.B. (Scots law) (Honours) from the University of Dundee, Scotland, where she graduated high school before immigrating to Canada. Professor Brown is a PhD candidate completing her thesis on the intersection between geography, property and the creation of place in Canada. While completing her doctorate at the University of Ottawa, Professor Brown contributed to research projects on topics including: access to land and Indigenous peoples, mapping and digital technologies, data governance and on the regulation of emerging technologies. She was a member on the Social Science and Humanities Research Council funded project titled "Geothink: Canadian Geospatial and Open Data Research Partnership," where she contributed to research on liability in data use, open data and data proprietization.

Professor Brown is a member of the Human Rights Research and Education Centre, and a member of the Centre for Law, Technology and Society, University of Ottawa. She is a barrister and solicitor at the Bar of Ontario, and has worked at the Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic, Canada's leading public interest technology law clinic, where she contributed to interventions at the Supreme Court of Canada in the area of privacy law. Before starting her academic work, Professor Brown worked in the Kingdom of Eswatini (at that time known as the Kingdom of Swaziland), Southern Africa, as a legal officer in a feminist organization. Prior to joining Bora Laskin Faculty of Law, Tenille was an adjunct professor in the Common Law and Civil Law Sections of the Faculty of Law at the University of Ottawa.

Professor Browns recent publications include:

- "Locating the Woman: Customary Law and the Utility of Real Property in the Eswatini Context." In Cameron, Napoleon & Graben (eds.), *Creating Indigenous Property: Power, Rights and Relationships*. (University of Toronto Press, 2020)
- "A Human Rights Approach to the Smart City: Regulating Emerging Technologies in City Places." In L.S. Reins, ed., *Regulating New Technologies in Uncertain Times*, Springer Information Technology and Law Series (Springer, 2019)



LCO Student Research Fellows - Summer of 2020

Emily Graham Law Commission of Ontario Student Research Fellow

This past summer I had the pleasure to work at the Law Commission of Ontario (LCO) as a student-at-law scholar. The LCO is Ontario's leading agency on law reform and policy, working to disseminate essential research and recommendations on emerging legal issues. The Commission's work has been integral to shaping legal reform at the provincial level, with recent work driving statutory reform for issues such as class proceedings and defamation.

As part of my role, I assisted senior counsel with the development of an LCO environmental rights project proposal. Through my time with the LCO I learned to note up case law and academic literature on constitutional and common law instruments related to environmental claims. I also had the opportunity to apply skills learned in 1L such as principles from tort and constitutional law as well as IPC curriculum exercises in the form of completing jurisdictional scans, briefing notes and legal memos as part of my summer work.

Throughout the summer I was also given the opportunity to communicate and engage with the project proposal client, counsel and industry stakeholders, all helping to improve my advocacy and presentation skills. Moreover, I had the pleasure of working with fellow 3L student Erin Chochla as well as law students from Osgoode, Ottawa and Windsor law schools. Collectively, these experiences helped me to further my understanding of legal research and Ontario's emerging legal issues.

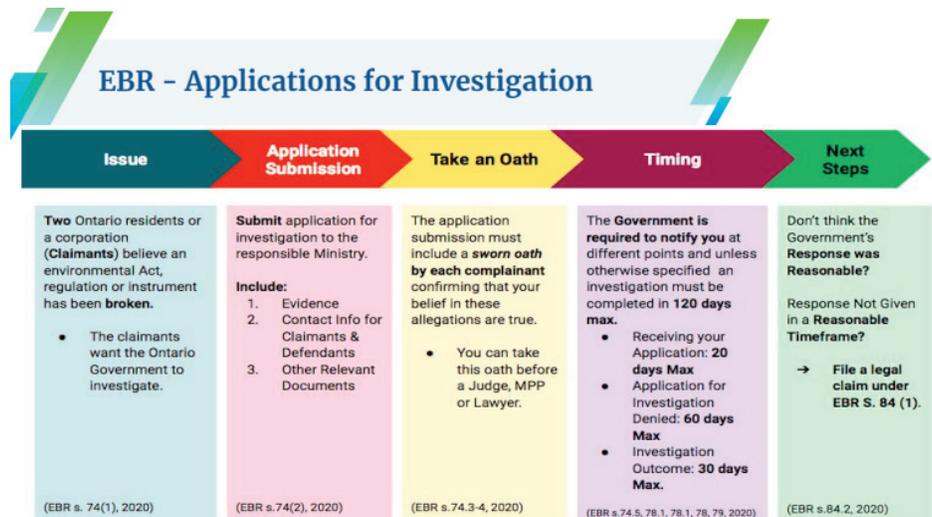


Figure created by Emily Graham as part of her presentation and research for the LCO on the Environmental Bill of Rights.

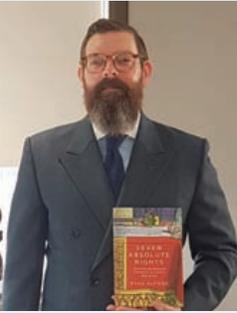
Being a Student Research Fellow with the LCO is a Unique, Exciting Opportunity

This summer, as a Student Research Fellow with the Law Commission of Ontario, I worked alongside exceptional lawyers and students from other faculties, analyzing governments' use of artificial intelligence (AI) in both the civil and criminal spheres. This project is still in its initial stages, and my main task was to create a landscape illustrating how governments in Canada, the US, and around the world are regulating their own use of AI in making decisions about people. Government use of AI is an increasingly common and important practice; it promises increased efficiency and accuracy, but also poses serious risks, for example to human rights and Charter-protected interests. This is in part because decisions made or informed by AI are not necessarily unbiased or accurate and those decisions tend to be problematically opaque. These issues are illustrated by the use of AI in making bail decisions in the US, another focus of my research.

In addition to researching, I had the opportunity to participate in expert roundtable discussions that included academics, lawyers, and government officials from across Canada and around the world and helped draft three of the LCO's upcoming issue papers. I am proud to say that I will be listed as a contributing author on each of these papers.

Being a Student Research Fellow with the LCO is a unique, exciting opportunity to hone legal research and writing skills, to participate in important policy discussions, and to make valuable professional connections. I developed a greater understanding of constitutional, criminal, and administrative law, both in Canada and the US, while contributing to the conversation regarding how to maximize the benefits promised by the use of AI by governments, while minimizing and responding to its associated risks. An LCO Student Research Fellowship is an excellent opportunity for students interested in research, writing, policy, and law reform.

Faculty News



Dr. Ryan Alford Publishes 7 Absolute Rights Book

Dr. Ryan Alford published his second scholarly book this May. His new volume is entitled *Seven Absolute Rights: Recovering the Foundations of Canada's Rule of Law*. It argues that Canadians inherited a set of fundamental rights from the United Kingdom at Confederation, which remain in force even when Charter rights are subjected to reasonable limitations, or if they are overridden with the notwithstanding clause. Ryan's book explains how and why each of these absolute rights was recognized as essential before 1867, by providing a gripping narrative of English constitutional history that begins with Magna Carta and ends with the Glorious Revolution. He argues that disputes about these rights were central to Canada's most important pre-Confederation constitutional crises, namely the rebellions

of 1837-38 and the Montreal riots of 1849—when Parliament was burned to the ground and responsible government and constitutionalism rose from the ashes. In his accessible exploration of the key events and legal precedents of our shared Anglo-Canadian constitutional history, he offers a distinct perspective on the substantive principles of the rule of law that remain embedded at the base of Canada's constitutional structure. He argues that should further crises shake the twenty-first century, it is the rights that these principles recognize which will sustain our constitutional architecture. During every major public emergency—including pandemics—governments invariably attempt to expand their powers, something which puts every citizen's constitutional rights under sustained pressure. This volume demonstrates that there are seven absolute rights that create an ultimate and unbreakable limit to governmental power. Those interested in constitutional law, history, and in the defence of fundamental rights during crises will undoubtedly find it fascinating.

Professor Daniel Dylan Awarded Teaching Award

Despite some of the challenges 2020 presented, Professor Daniel Dylan says it has been an “exceptionally successful and rewarding year” for him at the Bora Laskin Faculty of Law. First, in his fourth year as a Bora Laskin Faculty of Law faculty member, he earned tenure and promotion to Associate Professor. Second, he was awarded a *Contribution to Teaching Award*—a student-nominated award that recognizes instructors who have demonstrated high levels of teaching performance at Lakehead University.¹ “I really love teaching, all of my courses really (contracts, animal law, intellectual property and evidence), mostly because the material is so stimulating—and in the case of animal law, so novel and contemporary—and my curricular and pedagogical approach to it invariably seems to always reach, engage and motivate students. Thus, just being nominated for this award,” continued Dylan, “was rewarding

in itself, given how much time, energy, and enthusiasm I aim to bring to the classroom and the courses that I teach. That said, I am very humbled and honoured to be recognized by students and colleagues in this way.” Dylan also added “...preparation of the teaching dossier that is used by the Senate Teaching and Learning awards sub-committee to adjudicate upon the nomination was a labour-intensive process, almost akin to creating a mini promotion-tenure-renewal portfolio or binder, but definitely worth it, again, because it showcased all of the hard work I have put into my courses and into training Bora Laskin Faculty of Law students to become formidable lawyers.” Finally, Dylan said “While I thank the awards subcommittee for conferring this award upon me, I would also like to sincerely thank the students for nominating me and for making the teaching aspect of my work so rewarding. Keep up the good work!”



¹ <https://teachingcommons.lakeheadu.ca/lakehead-university-contribution-teaching-award>

Indigenous Relations Update

As with everything else in the world this year, we have had to adapt to changes throughout the country. Shortly after the pandemic was declared in March, the College of Law at the University of Saskatchewan announced that they would be cancelling, and later restructuring, their Indigenous Law Centre Summer Program. In response, our law school developed a Complimentary Indigenous Summer Law Course to be offered online, to all incoming Indigenous law students

at Lakehead. The six-session course was held during the last two weeks of August and provided students with an opportunity to meet each other, Bora Laskin staff and faculty, upper year students, and Elders. Participating students received instruction on organization, time management, note-taking, exam prep, legal research and writing, decolonizing (legal) education, and self-reflection. Six out of the seven prospective 1Ls took us up on our offer, and all appreciated the two

Dean's Fellows hired for support, the skills they learned, the connections they made, as well as the increased confidence and the reduced anxiety they felt before beginning classes. The planning committee who developed this course (Dean Hughes, Professor Parkes, Professor Rosenberg, Director Sutherland and Ms. Dicke) will continue meeting throughout the year in preparation for future cohorts.

LUCLS – Excelling at Remote Communication and Client Service

We would like to extend a huge thank you to our six full-time summer law students who successfully mastered the art of assisting clients during a pandemic. Third year students Brooke Rogers, Shannon Darby and Andrew Allen together with second year students Natalie Stern, Anais Giasson and David Scherbarth spent four months working hard for their clients and quickly became confident with providing legal services remotely. Not only was most communication with clients by telephone, students also participated in telephone pre-hearing conferences and telephone hearings at the Landlord and Tenant Board along with telephone appearances in criminal court. The clinic staff and lawyers also worked tirelessly to ensure our clients' needs were always being met during a time where most in-person communication was not permitted. As an essential service, the clinic staff and lawyers adjusted their schedules to ensure the clinic always had a physical presence for our clients.

With the transition into the Fall semester, the clinic lawyers refined their remote teaching skills and implemented many resources into a weeklong zoom boot camp for our new clinic caseworkers. The new caseworkers were exposed to a live mock video intake (very useful before conducting their own intakes), the use of breakout rooms to prepare court pleadings and Landlord and Tenant Board applications, the use of screen sharing to review documents with clients and the use of Kahoot! as a supplemental teaching tool. Training to date has exposed the student caseworkers to a variety of



other tools to assist them with their client files including the use of the employment tool Foresight, access to the Clinic Resource Office database and cloud access to all client files in the clinic.

After all of the training and tools provided to our Fall caseworkers, they are now successfully managing their client files, which for the most part, has been done remotely. Our caseworkers have all completed the required COVID-19 training in order to attend the clinic in person and our safety protocols allow the caseworkers to meet with clients in person if required in order to best communicate with their clients, prepare for court and tribunal appearances and plan for upcoming hearings.

We look forward to our Winter semester and are excited that our caseworkers are becoming front runners in providing legal services remotely. LUCLS remains ready to serve the community.

Rodi-Lynn Rusnick-Kinisky
Acting Director, LUCLS

Adapting to a New Way of Learning and Connecting With One Another

This academic year has presented Bora Laskin students with unique and unprecedented challenges in the wake of the global pandemic. Although our campus is quieter than ever, and we are faced with adapting to a new way of learning and connecting with one another; the LSS remains an active hub for student advocacy, communication, and support.

Our students may be located remotely across the country, but we continue to see the enthusiasm and engagement of our school community through a full peer mentorship program, an inspiring 1L orientation and continued engagement in LSS workshops.

In addition, the LSS continues to renew and ratify numerous campus clubs including the Runnymede Society who hosted a lively debate in September, the Black Law Student Association, and the Women in Law club.

For the purposes of promoting the importance of student health and wellness this year, the LSS has developed a student central social media positivity page and is coordinating future events to promote wellness, such as 1L exam prep workshops, and a “Pets on Zoom” social.

The continued engagement of Bora Laskin students with student government, campus clubs, and volunteer opportunities during this time of uncertainty prove the resilience and the strength of Bora Laskin students. We at the LSS are proud to represent and advocate for such amazing law students, and look forward to the Moot season, an assortment of club events, and the rest of the academic year!

Alyssa Buttineau
President LSS

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