10 Passion for Advocacy and Art
When Austin Cooper ’53 – one of the justice system’s most passionate advocates – passed away at the age of 84, he willed his outstanding art collection of about 100 paintings, photographs and works of sculpture to Osgoode in appreciation for helping to launch his career.

14 Voices of Giants
With the silencing of the voices of James Kreppner ’89 and John Plater ’96 who fought for safe blood for Canadians, Andrew and Hillary Cumming were inspired to recognize these fallen heroes and encourage young lawyers to follow in their footsteps by funding two internships annually in perpetuity for Osgoode students wishing to pursue socially conscious law.

18 New Era of Dispute Resolution
Osgoode ushers in a new era of dispute resolution with the launch of the Winkler Institute for Dispute Resolution named after former Ontario Chief Justice Warren K. Winkler – “Canada’s Mediator” – who has been appointed a Distinguished Visiting Professor at Osgoode and Honorary Chair of the Institute.
The idea of community is at the heart of Osgoode, and nothing is more emblematic of this sense of community than our graduates and their supporters “giving back” to enhance the educational experience at the Law School. In this issue of Continuum, we feature several examples of this aspect of Osgoode at its finest.

One instance of paying it forward involves the inimitable litigator Austin Cooper ’53 who passed away in September. Wishing to recognize the pivotal role Osgoode played in helping to launch his career, he included a clause in his will donating his art collection of about 100 paintings, photographs and sculptures to the Law School. His wonderful works of art will help turn Osgoode’s freshly renovated spaces from a house into a home and will provoke thought and discussion about law, art and culture among our students, staff and faculty.

Sometimes, the idea of paying it forward comes not from a graduate or someone connected to the Osgoode community, but rather from those whose lives have been touched by our graduates. This was the case with Andrew and Hillary Cumming’s transformative gift to honour two extraordinary Osgoode alumni who fought for safe blood for Canadians: James Kreppner ’89 and John Plater ’96. The Cummings are generously funding two internships annually in perpetuity for Osgoode students wishing to pursue socially conscious law.

Finally, sometimes the Osgoode community is reflected both by a graduate and those touched by that graduate’s accomplishments. A number of leaders in the legal community wanted to honour Ontario Chief Justice Warren K. Winkler’s [’62 (LLB), ’64 (LLM), ’12 (LLD)] dedication to innovation in dispute resolution and to mark the occasion of his retirement. The result, after York University and a group of visionary donors came on board, was the launch of the Winkler Institute for Dispute Resolution at Osgoode in December. We believe this Institute will serve as both a living legacy for the former Chief Justice and as a reflection of Osgoode’s leadership role in dispute resolution.

I hope you remain a vibrant member of the Osgoode community – and that you enjoy this issue of Continuum!

For more perspectives on all things Osgoode, check out my blog at deansblog.osgoode.yorku.ca or follow me at @DeanSossin on Twitter.

Lorne Sossin ’92
Dean
The Kingston Pen Story

Canadian-Croatian visual artist Cindy Blažević is Osgoode’s inaugural Artist in Residence for the 2013-14 academic year. During her residency she is working with a group of Osgoode students to research and create a legal and historical narrative for photographs she has taken of the vacated interior spaces of Kingston Penitentiary. Photographing the interior of Canada’s most famous prison, which closed its doors September 30, 2013 after 178 years, was “an opportunity to shine a light on the incredible erosion of civil liberties and the prison industrial complex gaining ground in the Canadian penal system,” said Blažević, who has exhibited and taught both in Canada and Europe.

She was awarded grants from the Canada Council for the Arts and the Ontario Arts Council to cover the technical and logistical costs of the Osgoode project.

Under Osgoode’s Artist in Residence program, the Law School will annually bring in an artist, from any artistic discipline, to work on projects focused on interpreting legal history, examining law’s realities today, and imagining law’s future, whether in Canada or elsewhere in the world.

MCMURTRY FELLOWS

Osgoode is proud to welcome David Lepofsky ’79, a lawyer and community advocate; Jeffery Hewitt ’96, general counsel to Chippewas of Rama First Nation; Ronda Bessner, a former senior legal analyst at five public inquiries; and Mark Freiman, a partner with Lerners LLP and former Deputy Attorney General of Ontario, as the McMurtry Visiting Clinical Fellows for 2013-14.

The McMurtry Visiting Clinical Fellows program, which began in 2012, honours Osgoode alumnus R. Roy McMurtry ’58, ‘91 (LLD), former Attorney General and Chief Justice of Ontario and current Chancellor of York University. The McMurtry Visiting Clinical Fellows, who were chosen by a selection committee composed of Osgoode faculty, student and staff representatives, receive an office, administrative support and a stipend while in residence at the Law School. The Fellows may teach and get involved with Osgoode’s mooting and lawyering programs, participate in research projects, deliver public and faculty lectures, and assist with institutional projects in their areas of expertise and interest.

A BOOK WITH A REMARKABLE PROVENANCE

Coke on Littiteton, 12th ed, London, 1739

The Osgoode Library recently received an important donation from Fraser Laschinger ’79: a copy of the 12th edition of Sir Edward Coke’s famous commentary on Sir Thomas Littleton’s Institutes of the Laws of England, printed in London in 1739. Coke on Littleton is one of the great authorities of the English common law.

This particular copy is especially valuable for its remarkable provenance, reflective of Canadian legal history. As evidenced by an armorial bookplate on the inside front cover, the text came to Canada sometime in the late 18th century with Sir James Monk (1745-1826), who was appointed Solicitor General of Nova Scotia in 1772 and acting Attorney General in 1775. He served as Attorney General of Lower Canada from 1776 to 1789 and again from 1782 to 1794, when he was appointed Chief Justice of Lower Canada.

Laschinger’s father acquired the book upon purchase of the home of Mme Jeanne Vanier (née Tétrault, widow of Antoine Vanier) in 1950. This book complements copies of other editions of Coke on Littleton already in the Library’s Canada Law Book Rare Book Room, the earliest being the 2nd edition, 1628. We thank Fraser Laschinger for his generosity.
IN BRIEF

The Jay and Barbara Hennick Centre for Business and Law at Osgoode and the Schulich School of Business presented the 2013 Hennick Medal for Career Achievement to long-time Ontario Liberal politician Gregory “Greg” Sorbara on October 31.

Sorbara ’78 (BA), ’81 (LLB), ’13 (LLD) served in the Ontario Legislature for 21 years as a Liberal MPP and held a series of senior posts including Minister of Colleges and Universities, Minister of Consumer and Commercial Relations, and Minister of Finance. He also served as the Ontario Liberal Party’s campaign chair for three successful elections in 2003, 2007 and 2011. He resigned from the Legislature in the summer of 2012.

“Greg has had an exemplary career at the intersection of business, law and public policy, and truly deserves to receive the Hennick Medal,” said Edward J. Waitzer, Jarislowsky Dimma Mooney Chair in Corporate Governance at Osgoode and Schulich, and director of the Hennick Centre. “He is a person of many accomplishments who brings passion and commitment to everything he does.”

As the legal firm partner for the Wills Project, which is run with the support of PBSC chapters at Osgoode Hall Law School and the University of Toronto Faculty of Law, Wahbi and Yolevski develop precedent materials, run training sessions, mentor and supervise PBSC students, recruit other estate lawyers to the project, and personally take on dozens of clients on a pro bono basis.

“The Wills Project would not be possible without Mary Wahbi, who has supported it from the very start, and Karen Yolevski who has been working with Mary for several years now,” said Nikki Gershbain, National Director of PBSC, the only national student-run pro bono service organization in the world, with chapters at 21 law schools in Canada.

The PBSC Wills Project, which began at Osgoode in the 1990s, now operates in six Canadian cities. PBSC student volunteers work with pro bono lawyers to draft wills and powers of attorney for low-income clients who do not have the resources to pay for legal assistance with estate planning. Students conduct screening interviews, provide legal information, receive client instructions and draft the documents. Students also deliver Public Legal Education workshops to larger groups of individuals who are on a wait-list for the project.

Gershbain explains that the Toronto program, originally limited to HIV-positive clients referred by the 519 Church Street Community Centre, has expanded to include referrals from Two-Spirited Peoples of the First Nations and Legal Aid Ontario. “Unfortunately, the need for the service far outweighs our capacity to take on more clients. We can’t advertise the project broadly for fear of being flooded by potential clients, and even still we are constantly turning people away.”

She says the hands-on Wills Project is a favourite of Osgoode and U of T law students, 17 of whom are involved with this year’s program.

“The placement opens up their eyes to poverty and access to justice issues in a very real way, which will hopefully make them better and more sensitive lawyers as a result.”

It’s also satisfying work for pro bono lawyers such as Wahbi, managing partner at Basman Smith LLP, and Yolevski. Wahbi sums up their involvement this way: “We believe that being involved in this project has helped us stay grounded, be more well-rounded professionals, and give to the community in general and to the legal community.”

HENNICK MEDAL FOR LONG-TIME ONTARIO POLITICIAN

ALUMNI MARY WAHBI ’84 AND KAREN YOLEVSKI ’05 OF BASMAN SMITH LLP HAVE BEEN AND CONTINUE TO BE INSTRUMENTAL IN THE OPERATION OF ONE OF PRO BONO STUDENTS CANADA’S MOST SUCCESSFUL AND LONG-STANDING PROJECTS – THE PBSC WILLS PROJECT.

Karen Yolevski ’05 and Mary Wahbi ’84 of Basman Smith LLP

PHOTO: MICHAEL LITWACK
IN BRIEF

The Ontario Ministry of Training, Colleges & Universities announced on Oct. 4 that Osgoode will receive $92,606 in funding over two years so it can work with six other Ontario law schools to develop and implement mental health supports and resources for Ontario’s 4,100 law students and future lawyers.

Partnering with Osgoode in the Ontario Law Student Mental Health Initiative are the law faculties of the University of Toronto, University of Ottawa (Common Law Section), University of Windsor, Queen’s University, Western University and Lakehead University.

Melanie Banka Goela ’03, Osgoode’s Student Success and Wellness Counsellor who spearheaded the law school collaboration, said the seven law schools will work together to develop a website that will provide information to law students about mental health concerns and provide specific diversity-sensitive resources and referrals.

In addition, the schools will expand and improve peer support options available to Ontario law students.

GIVING STUDENTS A LEG UP

Introducing the Osgoode Opportunities Renewable Entrance Awards

It’s no secret that attending law school is expensive, but efforts continue on many fronts to enhance access to a legal education.

In 2013, Osgoode’s Financial Assistance Program provided JD students with more than $3 million in financial assistance. About 87 percent of students who applied for bursaries received funding.

When the Law School celebrates its 125th anniversary in 2014, it will do so with an exciting new award – the Osgoode Opportunities Renewable Entrance Awards – that will cover annual tuition for two entering full-time JD students with high financial need. Preference will be given to an Aboriginal student and a sole-support caregiver, and the award will be renewable in the second and third years of the JD program.

From alumni, friends, faculty, students and staff come donations that go a long way toward ensuring law school is affordable and accessible for meritorious students. Take, for example, the philanthropy behind the wonderful new student internships featured in this issue of Continuum.

Graduating JD students also benefit from acts of generosity. Every year for the past three years the student organizers of Mock Trial have donated the annual proceeds from their event – approximately $10,000 – to the Wendy Babcock Social Justice Award. Wendy, who passed away in August 2011, was a promising and talented JD student who was admired for her courageous and ambitious dream of pursuing a law degree.

The student-initiated, Mock Trial–funded award in her honour is given to a graduating JD student who has incurred significant debt while pursuing their legal education and who intends to pursue a career in social justice.

From start to finish, accessibility funding is helping to give Osgoode students a leg up and the Law School knows it must continue to find innovative ways to make legal education financially accessible.

Leaving a LEGACY

Osgoode is the grateful beneficiary as graduates and friends of the Law School pay it forward. Here are three inspiring examples of passion, commitment and engagement with the Osgoode community.
In 1950, Austin Cooper was a University of Toronto commerce grad with no grand plan for what came next when his buddy proposed an idea. “He said to me, ‘C’mon to Osgoode. I’m going to register there next week. Come with me. We’ll have fun.’”

The problem was Cooper had no idea where Osgoode was and he knew nothing about law. He declined the friend’s offer, saying he would work for his dad, a store owner in Toronto’s Cabbagetown. But the younger Cooper underestimated his friend’s persistence. “I said, ‘OK. I’ll flip a coin. Heads, I go to law school. Tails, I’ll stay with my father.’”

Heads won.

So goes the story of how the esteemed criminal defence lawyer and Osgoode graduate launched a career that spanned 60 years and included virtually every top legal honour in the country. Until his death in September at age 84, Cooper ’53 was one of the justice system’s most passionate advocates. With his trademark integrity and intensity — law partner Mark Sandler says “his word was his bond, but he could very quietly tear your throat out on cross-examination” — he defended capital murder cases pro bono, represented the accused in Ontario’s first legal aid-funded murder trial and counted some of the country’s most high-profile defendants among his clients.

After working to exonerate Toronto nurse Susan Nelles at a 1982 preliminary hearing into the deaths of four babies at The Hospital for Sick Children, Cooper famously told the media that everyone — the Crown, the defence, the judge and the police — did their job. “He saw it as a vindication of the justice system,” remembers Sandler. “His perspective was that this was a manifestation of how the system works. Austin was a strong believer in the justice system, even with all its faults.”

Such high standards of honour and professionalism didn’t come overnight. When Cooper met with Osgoode Dean Lorne Sossin this summer, he laughed at the memory of the young man who chose to study law on the flip of a coin.

“It was pretty irresponsible, immature and ridiculous, but it’s absolutely true.”

Cooper’s long-time partner Catherine Williams says the glimmer of the lawyer Cooper would become emerged toward the end of that first year at law school. “Osgoode had hired a new dean who decided to post pass or fail results. Austin rushed over and saw he had passed. He was thrilled.” A few weeks later, someone posted the actual grades. Cooper was twelfth out of the class of 200.

“That’s when he turned his attention seriously to it,” Williams says.

Austin Cooper ’53 donates his art collection to Osgoode

by Christine Ward

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The donation is an ideal fit with Sossin’s vision to blur the lines between artistic creativity and justice, and create a welcoming home-away-from-home for Osgoode’s students. The School introduced its first Artist-in-Residence this fall (see page 4) and a new Law.Arts. Culture Colloquium, aimed at exploring the intersection of law and the arts, is attracting speakers on topics related to images of justice, their cultural sources and the role of law in producing the stories society tells about itself.

“The best art tells a story,” explains Sossin. “It makes you think about the human condition captured in that narrative. Law does that, too — harm, loss, suffering, vindication — all the faces reflected in the justice system are captured in Austin’s collection.”
charged with obstructing justice, he also relied withdraw from the case and, later, when he was counsellor to sex-killer Paul Bernardo, wanted to a recording session in Toronto. When Ken Murray, possession for the purpose of trafficking while at Cooper in 1977 when he was charged with heroin guitarist Keith Richards who was defended by his list of ‘celebrity’ clients, including Rolling Stones guitarst Keith Richards who was defended by Cooper in 1977 when he was charged with heroin possession for the purpose of trafficking while at a recording session in Toronto. When Ken Murray, counselor to sex-killer Paul Bernardo, wanted to withdraw from the case and, later, when he was charged with obstructing justice, he also relied on Cooper to earn him an acquittal.

Built like a quarterback at 6’2” in a Hugo Boss suit with size 14 feet and a bald head, Cooper commanded the courtroom with what Williams called “laser intensity.” He worked hard and played hard, remembers his son Douglas Cooper (the elder Cooper also left behind sons Peter and Paul). “He was one of those guys who was driven while working and quite good at relaxing when he wasn’t. He liked the idea of stepping outside his professional self and not becoming too focused on the law.”

Sandler agrees. “Very early on he recognized that I worked too hard. He counselled me to have a life away from the law. He could put down his pen in the middle of a big case and go to the theatre, hear a symphony, travel and sail. Maybe that’s why he was one of the few who survived in the business as long as he did.”

LOVE OF THE NORTH

It was during one of Cooper’s retreats at an art gallery in 1994 that he first met Catherine Williams, an art consultant and appraiser. Following her outside, he stopped her in the middle of the street to invite her to dinner. She said yes.

One of Williams’ fondest memories involves sitting together on the dock at Cooper’s cabin in Algonquin Park, gazing at the stars. The cabin had no electricity or plumbing and it was accessible only by water, in a 4-horsepower tin boat Cooper nicknamed Dog. “Out of his mouth would come the line from The Merchant of Venice: ‘Sit, Jessica. Look how the floor of heaven is thick inlaid with patens of bright gold.’ I was constantly surprised by his love of simplicity, of the north in particular.”

The couple explored Canada, taking more than 40 trips in their almost 20 years together. They also frequented art galleries and museums in Montreal, Paris, Venice and New York, adding to their respective collections. The architecture and folk art of Mexico — home to Cooper’s son — held a particular appeal. Some of the pieces collected there will soon find their home at Osgoode. Cooper responded to art at a visceral level. He didn’t much care if others shared his interest, but he did hope his pieces would stimulate and educate. “I didn’t always agree with his artistic choices, but I am going to miss the art,” admits Sandler.

In the final months before his death, Cooper shared his bequest plans with his closest friends and family. “He was very keen to do this,” says Douglas Cooper. “He always wanted to be sure his art was on display, not stored where no one would have a chance to see it.”

“He’s got everyone very excited and touched by his generosity,” adds Sossin. He hopes the gift will get students talking as much about a legendary Osgoode graduate as the art itself. “The very best lawyers have a courtroom persona and then other sides that enrich their humanity. You get a glimpse of the many textures of Austin Cooper through his art — his compassion, his playfulness, his desire to be provoked and to think hard about things.”

“I hope students take to heart that role-modelling in their own lives.”

Christine Ward is principal of Ward Development Communications based in eastern Ontario.
In search of the next James and John

It was a little over three years ago while Robin Nobleman ‘15 was working as a Regional Service Coordinator for Hemophilia Ontario that she started vaguely thinking about a career in law. Over the course of many months she carefully weighed the pros and cons of going to law school. In the end, what tipped the scales for her was the example set by two extraordinary Osgoode alumni: James Kreppner ‘89 and John Plater ‘96.

Both men had hemophilia – a bleeding disorder in which the blood doesn’t clot normally – and both were tireless advocates and champions for human rights. Highly respected, articulate and exemplary activists, they fought for safe blood for all Canadians and justice for those with human immunodeficiency virus (HIV) and Hepatitis C. And both died due to HIV and Hepatitis C-related complications.

In the wake of the worst public health disaster in Canadian history, which occurred during the late 1970s and early 1980s when the national blood supply was contaminated with HIV and Hepatitis C and thousands of Canadians were infected and eventually died, Kreppner and Plater pushed to achieve government compensation for individuals infected with HIV through the blood system. That resulted in a compensation program, first from the federal government and then the Red Cross and provincial governments, which provided $30,000 a year for life for an estimated 1,250 individuals.

THE KREVER INQUIRY
Kreppner and Plater, along with others, also spent years lobbying for a public inquiry into the crisis. The result was the calling on October 4, 1983 of the Royal Commission of Inquiry on the Blood System in Canada (the Krever Inquiry). Four years later, Mr. Justice Horace Krever issued a damning report about the national tragedy, which made 50 recommendations for making Canada’s blood system safer. He also recommended a no-fault compensation scheme. Kreppner and Plater were deeply involved with submissions to the inquiry, and in the class action suit (that never went to court) and advocacy efforts that helped secure $1.1 billion in Hepatitis C compensation for the victims of tainted blood.

“James and John showed me the power of legal action as a tool for fighting injustice,” said Nobleman, now a second-year JD student at Osgoode and the inaugural recipient of the John Plater ’96 Memorial Internship, which was made possible by a generous donation from another hemophiliac, Andrew Cumming, and his wife, Hillary.

“Their accomplishments in winning compensation for the bleeding disorders community were a shining example of the positive impact one could have with a law degree.”

Sadly, Nobleman never had the opportunity to work with Kreppner. He died on May 14, 2009 at the age of 47 just before she started at Hemophilia Ontario. In the course of devoting his life to securing the safety of our blood system and the blood products derived from it, he had served on numerous boards and committees including the Canadian Blood Services, Canadian Hemophilia Society and the HIV & AIDS Legal Clinic Ontario (HALCO). He was also a co-founder of the Canadian Society and the HIV & AIDS Legal Clinic Ontario (HALCO). He was also a co-founder of the Canadian Treatment Action Council and one of the founders of the Toronto People with AIDS Foundation.

Nobleman was fortunate, however, to work with Plater and saw him regularly at the hemophilia clinic at St. Michael’s Hospital in Toronto and hemophilia-related events and meetings. Plater was chair of the hospital’s HIV/AIDS Community Advisory Panel for several years and also on the board of HALCO. At 24, he became the youngest president ever of Hemophilia Ontario, and also served as president of the Toronto and Central Ontario Regional Hemophilia Society and vice-president of the Canadian Hemophilia Society. He advised provincial and federal governments on HIV and Hepatitis C as co-chair of the Ontario Advisory Committee on HIV/AIDS, chair of the Ontario Hepatitis C Task Force, and co-chair of the Ministerial Advisory Council on the Federal Initiative on HIV/AIDS. He was 45 years old when he passed away on July 28, 2012.

WORKING FOR THE BENEFIT OF OTHERS
It was through Hemophilia Ontario – the provincial chapter of the Canadian Hemophilia Society – that Kreppner and Plater first met in 1982 and started using their advocacy skills to help others affected by the tainted blood crisis.

“They both had so much in common – the ethics, the morality, the kindness – they were gentle men … real and sensitive,” recalls Antonia “Smudge” Swann, Kreppner’s partner of 28 years. “They were so bright … James would not let an issue go. He’d stay on it for years, no matter what. Same with John.”

Karen Plater, who met her husband-to-be when they were both students at the University of Toronto, says his life’s purpose was “working for the benefit of others.” That was made clear to her on their very first date in November 1992 when she showed up at his place and he kept her waiting for 90 minutes while he took part in a national teleconference. “Later, I would learn the cross-Canada call was strategizing on the best way to demand an inquiry into the tainted blood scandal.”

Her husband’s decision to become a lawyer was in part influenced by his experience fighting for those infected with tainted blood, she says. “The Hemophilia Society introduced him to ARCH – a legal resource centre for persons with disabilities – where he would eventually arrive as a law student, and then work for the first years as a lawyer, before opening his own practice.”

It came as a shock to many, including Andrew Cumming, when Plater passed away. Cumming had retained Plater as his lawyer and had had a professional relationship with him for 10 years. “He died over the course of six to eight weeks and I didn’t even get a chance to go visit him because nobody told me he was sick. It was shocking to me that he died.”

PHOTO: TONY BOCK/GETSTOCK.COM
“James and John showed me the power of legal action as a tool for fighting injustice,” said Nobleman.

Cumming had contrasted HIV and Hepatitis C from tainted blood products in the 1980s just like Kreppner and Plater. But somehow he has managed to survive the infectious viruses as well as a dangerous form of cancer. “John’s death reminded me of my own mortality,” he says. “We have compromised immune systems and some virus got to him that he wasn’t able to deal with. We’re all susceptible to that.”

Unlike Kreppner and Plater, Cumming felt he had to hide his HIV status for the sake of his career. Cumming has a PhD in Physics from MIT. He taught physics at the University of Florida for several years then was offered a job at McMaster University in Hamilton that ultimately fell through due to lack of funding. That’s when he decided to go into banking, specifically derivatives trading. “You could not have HIV and work on Bay Street,” says the 54-year-old father of three. “There’s no way I could have had that career if one person on the planet had known about my HIV status.”

Cumming, who later struck out on his own and formed Blackheath Fund Management Inc., made millions of dollars a year at the peak of his career and was able, among other things, to buy himself a life-saving liver transplant in the United States in 2005. Kreppner and Plater had also been fighting to raise money for patients on the waiting list for a liver transplant. The Cummings generously offered to fund two internships annually in perpetuity for Osgoode students wishing to pursue socially conscious law. They have given an initial gift of $50,000 for the internships that will be awarded in the summer of 2014 and 2015. Osgoode will provide a match of $25,000, which may be paid over five years or left as a bequest, and the internships will be named in perpetuity.

RECOGNIZING FALLEN HEROES

With the silencing of the voices of Kreppner and Plater, Cumming and his wife were inspired to “try to do something to recognize these fallen heroes and encourage young lawyers to follow in the footsteps of those giants of pro bono publico law (law for the public good).”

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CREATING A LEGACY at Osgoode

Endowed student awards are a way to create a lasting celebration or tribute that, at the same time, will support future generations of Osgoode students. Endowments may be established for as little as $25,000, which may be paid over five years or left as a bequest, and will be named in perpetuity. If you would like more information on how to create your own award at Osgoode, please contact: Anita Herrmann

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In the latter stages of his judicial career, Ontario Chief Justice Warren K. Winkler was fond of sermonizing from his self-described “bully pulpit” about the virtues of crafting new methods to settle legal disputes. In fact, Winkler became such an active instigator of reform — often wading into seemingly unresolvable corporate disputes in order to wrest settlements — that he acquired a nickname: “Canada’s Mediator.”

Recently retired, Canada’s Mediator is rolling up his sleeves again; this time to engage in a task that promises to re-draw the dispute resolution landscape in Canada. He is teaming up with Osgoode to launch an institute that will carry his name and put his passionately held beliefs into action. The Winkler Institute for Dispute Resolution represents a groundbreaking project whose time has come — an institute that will carry his name and put his passion into action.

**The Winkler Institute for Dispute Resolution**

In Toronto recently to honour Winkler and raise funds for the Institute, Supreme Court of Canada Chief Justice Beverley McLachlin expressed her enthusiasm. “I think the Winkler Institute shows great promise because it will provide a vehicle where different approaches to procedures that impact on access to justice can be looked at,” she said. “I’m very hopeful that it will help Canadians get access to justice more quickly.”

In the opinion of Osgoode Professor Trevor Farrow, the Winkler Institute provides the perfect figurehead for the Institute. “He has been a very practical judge. His interest is in getting deals done, getting disputes resolved and letting people get on with their lives.”

The advent of the Institute reinforces Osgoode’s leadership position in a field that used to frighten lawyers who viewed it as a job-killer, yet now view ADR as an enticing, new source of employment opportunities. “Judges and lawyers have come to see various forms of alternative dispute resolution as part of their daily work,” Farrow said. “I think ADR has moved out of its adolescence and into adulthood.”

**FOR A NEW GENERATION OF LAW STUDENTS**

“The new Institute is a real hunger for a place that isn’t dedicated to the adversarial process.” so far, a donor drive has secured well over $2 million in donations for the Institute, including a $1 million matching grant from York. Moreover, news of the project is arousing excitement more broadly in the justice community. The Law Foundation of Ontario has provided a generous grant to fund the Institute’s first year of operations. Hours after attending a gala dinner in Toronto recently to honour Winkler and raise funds for the Institute, Supreme Court of Canada Chief Justice Beverley McLachlin expressed her enthusiasm. “I think the Winkler Institute shows great promise because it will provide a vehicle where different approaches to procedures that impact on access to justice can be looked at,” she said. “I’m very hopeful that it will help Canadians get access to justice more quickly.”

In the opinion of Osgoode Professor Trevor Farrow, the Winkler Institute provides the perfect figurehead for the Institute. “He has been a very practical judge. His interest is in getting deals done, getting disputes resolved and letting people get on with their lives.”

The advent of the Institute reinforces Osgoode’s leadership position in a field that used to frighten lawyers who viewed it as a job-killer, yet now view ADR as an enticing, new source of employment opportunities. “Judges and lawyers have come to see various forms of alternative dispute resolution as part of their daily work,” Farrow said. “I think ADR has moved out of its adolescence and into adulthood.”
We need to see the justice system through the prism of those who have the greatest stake in its success: the public.

Warren K. Winkler, Former Chief Justice of Ontario

“When I started out as a judge, mediation was a word the judiciary wasn’t allowed to even use,” Winkler observed. “It wasn’t seen to be part of the judicial role. Judges were supposed to decide, not to negotiate.” However, judges have grown increasingly comfortable in their new role, he said.

Sossin noted that were the Institute to lead the way in reducing the high social and financial costs of family disputes, it would be a crowning achievement. “If we get the parties to agree and are able to get quality resolutions without bankrupting families, I think we would get a significant buy-in to this type of multi-disciplined, dispute resolution hub,” he said. “What we can do here is to try new models for a few years and then say: ‘Here are the results, and here are the benefits.’”

On a broader scale, the Institute will host summits on key justice issues and act as a centre of excellence for the resolution of domestic and international disputes.

LAWYERS AS PROBLEM SOLVERS

Nothing could be closer to Winkler’s heart. The list of hard-won resolutions he helped engineer includes cases pitting Ontario Hydro and the Power Workers’ Union, residents of Walkerton, Ontario who were infected with Escherichia coli (E. coli) bacteria from impure water; patients who contracted Hepatitis C after being transfused with blood from Canada’s tainted blood supply; and Indian Residential Schools.

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“Lawyers used to say: ‘My role is in the court,’” Sossin said. “But in reality, lawyers must first and foremost be problem solvers, whether as advocates or advisors, mediators or negotiators.”

The Institute’s doors officially opened in January. For further information, see the Institute’s newly launched website: winklerinstitute.ca.

And it distracts you from your ultimate goals.”

Sossin enthuses about the many avenues the Winkler Institute may explore. “We could showcase what makes a successful, sophisticated, commercial arbitration,” he said. “We can do it in a way that is responsive to ethical concerns; that promotes values we take to heart.” The Institute will also play to Canadian advantages, such as our long experience in negotiating delicate disputes between mining companies and aboriginal groups, environmentalists or local communities, Sossin said. “Money is squandered on lawyers and lengthy processes that give marginal results,” he said. “They swallow resources that ought to go to schools and hospitals, or to drive more development in resource sectors.”

The Institute is not setting out to replace courts or the adversarial model of litigation; however, it is committed to playing a pivotal role in salvaging and improving a system under siege.
Not many first-year law students can claim they’ve rubbed virtual shoulders with Supreme Court judges, lawyers from as far away as Singapore and South Africa, and some of North America’s top legal scholars.

But Ben Farrow has.

Now in his final year at Osgoode, it all started for Farrow when he befriended a couple of senior students while in line for hamburgers at a student barbecue during orientation week. They told him about IP Osgoode, Osgoode’s intellectual property law and technology program. Weeks later, Farrow was contributing to and then editing IPilogue, the program’s hotly contested student blog. Since its launch in 2007, IPilogue has attracted a global following that includes some of the top echelons of the legal community.

“We’ve meant to inject a new voice in the IP debate and to do so in a space that is new for Canada.”

Building on the success of IPilogue and with the support of five law firms and two industry partners, IP Osgoode was launched in 2008 as a hub of knowledge, research and student learning opportunities involving legal governance issues at the intersection of intellectual property and technology. The program has grown over the years to also include internship opportunities, plus an intensive program and a clinic, both launched in 2011.

Third-year student Mark Bowman has coordinated and mentored more than 30 Osgoode students providing pro bono legal assistance to Greater Toronto Area inventors in the IP Osgoode Innovation Clinic. Under the supervision of patent lawyers from Torys LLP, the students help entrepreneurs and inventors navigate Canada’s copyright, patent and trademark laws.

“We reach out to inventors as soon as they’ve invented something and help them understand the landscape,” says Bowman.

D’Agostino founded the clinic as a collaboration between IP Osgoode, the Ontario Centres of Excellence and Torys. Bowman estimates his team has provided more than $100,000 in legal services to date.

“All though we’re students, we can still provide significant value.”

Bowman also participated this fall in IP Osgoode’s internship program, spending three months on a special research project at CodaX, The Stanford Center for Legal Informations in California.

“Things really are moving at a galloping pace,” D’Agostino says of both IP Osgoode and the high-tech marketplace.

Companies like Facebook, Google and Apple have brought IP issues to the fore.

“We’re seeing that the law hasn’t kept pace with these technologies” — which is why D’Agostino doesn’t plan on slowing down anytime soon. “IP Osgoode is helping everyone see the law as a facilitator, not a barrier to innovation.”

To learn more about IP Osgoode, visit iposgoode.ca
I thought that the tenor Jussi Björling was marvellous. Michael Mandel agreed but, unlike me, not just because Björling had a gorgeous voice. Michael pointed out that a lot of people have great voices, but Björling was special because his singing was true to the music. This thirst for truth, for integrity, characterized everything Michael did.

In his 39 years of teaching at Osgoode he conveyed, by example, that students should be serious about mastering the techniques of law as well as its details, but that which was most important was to think critically. He taught them to look for the gaps between what was said, between aspirations and what was done. Michael Mandel’s students were told to look for truth. His acclaimed critique of the Charter of Rights and Freedoms made a powerful case that it is not what it seems to be, that, in fact, by legalizing political issues, fundamental conflicts in society would be transmuted into struggles about finding a compromise between parties who merely had different interpretations of agreed-upon values. The reform would fortify the unjust status quo, not change it. This sleight of hand offended his innate desire for integrity. The brilliance of the argument and the meticulous documentation has made his book an invaluable contribution to our legal and political debates.

The same brute sanity, tied to his passion for justice and peace, is found in his anti-war work, “How America Gets Away with Murder.” His lust for a just peace drove him. His painstaking research of international criminal law allowed him to make powerful arguments that the law, properly used, could prevent needless suffering. He lamented the way in which powerful nations bend and destroy the integrity and potential of law. He walked the walk. He participated in many anti-war actions, being a co-founder of Lawyers against War. The same drive for truth and integrity dominated his personal life. He looked to traditions that had proved themselves as creators of ties that link human beings in a meaningful way. His Jewishness was important to him and, true to type, he researched Yiddish culture and Jewish traditions. He was no dilettante. He did his best to live according to the precepts he saw as true and tried. He knew that meaning and purpose could be found in beauty, in the aesthetic, in music, and here, too, he tended to look to art that had lasted, that had stood the test of time because it had the power to transcend the immediate, the cult of instant gratification. He cared. He lived according to his beliefs. He inculcated his values and desire for lasting relationships and compassion in his family. He was devoted to his children and Karen and they to him. Theirs was a house full of warmth and a shared passion for beauty and grace.

Professor Emeritus Harry Glasbeek was one of Michael Mandel’s oldest and dearest friends, and delivered the eulogy at his funeral. Michael passed away on October 27, 2013 at the age of 65.
FRANCE’S HIGHEST DECORATION

On July 14, 2013 (Bastille Day), French President François Hollande promoted Professor Emeritus Jean-Gabriel Castel to Officer de l’Ordre national de la Légion d’honneur (Officer of the National Order of the Legion of Honour).

The Order is the highest decoration in France and is divided into five degrees: Chevalier (Knight), Officier (Officer), Commandeur (Commander), Grand Officier (Grand Officer) and Grand Croix (Grand Cross).

The promotion to Officer of the National Order of the Legion of Honour recognizes Castel’s continuous support of French language and culture and the development of relations between France and Canada at all levels. Castel, who also holds several other French and Canadian decorations, was a professor of French and Canadian law at Osgoode from 1959 until his retirement in 1999.

HONORARY FELLOW

Professor Douglas Hay has been elected by the Board of Directors of the American Society for Legal History as an Honorary Fellow of the Society. It is the highest honor the Society can confer on a fellow historian, and recognizes a lifetime of scholarly distinction and leadership in the field.

Hay has been cross-appointed to Osgoode and York’s Department of History since 1981, teaching the comparative history of criminal procedure, punishment, and crime, and the history of private law in the common law world.

He has published on the history of English and Quebec criminal law; comparative history of criminal procedure; social history of crime; judicial biography; courts and their political significance; and the history of employment law.

Bench Strength

Professor James Striopoulos ’94 was appointed in October to the Ontario Court of Justice.

A gifted teacher, respected scholar and institutional leader, Striopoulos was the Associate Dean and an Associate Professor at Osgoode at the time of his appointment. In addition, he served as Co-Director of the Part-Time LLM Program specializing in criminal law.

Striopoulos, who also holds a BA degree from York University and LLM and JSD degrees from Columbia Law School, joined Osgoode’s full-time faculty in 2006. Awarded the Osgoode Hall Law School Teaching Award in 2008 and the Legal and Literary Society’s Excellence in Teaching Award in 2012, he will continue to teach some courses at the Law School as an adjunct family member.

Following his appointment to the bench, Striopoulos was also appointed an Honourary Professor at the University of Alberta Faculty of Law, in recognition of his contributions to the law as both a scholar and a lawyer, as well as his longstanding connections to that faculty.

Justice Striopoulos presides in Brampton.

Thank You

Blake, Cassels & Graydon LLP (New York) for hosting the All Canadian Law School Alumni event in New York City.

We look forward to the next one.

OSGOODE HALL LAW SCHOOL ALUMNI ASSOCIATION

Alumni are invited to attend the Osgoode Hall Law School Alumni Association Annual General Meeting on Wednesday, May 14, 2014 from 5:30 pm to 6:00 pm in the Portrait Room of Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

POSITIVE RSVPS APPRECIATED

Please contact the Osgoode Alumni Office at 416-736-5638 or alumni@osgoode.yorku.ca to obtain a copy of the agenda.

ANNUAL GENERAL MEETING NOTICE
1950s

Ralph Frayne
Ralph Frayne ’51 received the 2013 Law Society Medal for outstanding service in the legal profession.

Dennis Lane ’58 was recognized by Continental Who’s Who as a Pinnacle Professional in the field of legal services.

R. Roy McMurtry ’58, ’91 (LLD) received the 2013 Law Society Medal for significant contribution to the legal profession.

1960s

Julian Porter ’62 wrote 1/4 Paintings You Really Need to See in Europe: (So You Can Ignore the Others).

John Evans
John Evans ’63 was given an award of excellence by the Ontario Bar Association for his career in civil litigation.

Dennis O’Connor ’64 received the degree of Doctor of Laws, honoris causa (LLD), from the Law Society of Upper Canada.

Paul Copeland
Paul Copeland ’65 received the 2013 Law Society Medal for significant contribution to the legal profession.

Edward Greenspan ’68 received the 2013 Law Society Medal for outstanding service in the legal profession.

Ernie Eves ’70 was appointed to the board of directors at Nighthawk Gold Corp.

Brian Greenspan ’71 was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.

J. David A. Jackson ’72 was appointed to the board of directors of Power Corporation of Canada.

Edward Levitt ’73 joined Dickinson Wright LLP as a Partner.

Gary Joseph ’76 co-authored Family Law Arbitration in Canada, which is the first book on this topic available in the country.

Joel Hertz ’77 was elected Vice-Chair of the York Region District School Board and is in his ninth year as public school trustee.

Delia Opekowek ’77 received the 2013 Law Society Medal for outstanding service in the legal profession.

Alexandra Hoy ’78 was named the new Associate Chief Justice of the Court of Appeal for Ontario.

Charles Ticker ’78 was awarded the Queen Elizabeth II Diamond Jubilee Medal for community service.

Robert Rotenberg ’79 released his new book, Strange Feel, a murder mystery set in Toronto.

Anne Grosskurth ’80 recently took early retirement from the UK government civil service where she was a senior policy adviser (head of tobacco and smoking regulation and international tobacco control).

D. Grant Vingoe ’81 joined Norton Rose Fulbright as a Partner in its New York office.

David George ’82 became President of Monarch Corporation in Canada.

Sergio Marchionne ’83, CEO of Chrysler Group LLC and CEO of Fiat S.p.A, received the Sons of Italy Foundation Award for Excellence in Global Business.

Kathleen Taylor
Kathleen Taylor ’84 was named Chair of the board of the Royal Bank of Canada.

Nella Macchia ’85 opened her Vaughan practice in 1992 and specializes in family, real estate and law. Nella raised three children while growing her practice and loves to travel extensively with her husband, Enzo.

John Mastoras ’87, Partner at Norton Rose Fulbright LLP, was named Local Chair of the Employment and Labour Law Group in their Toronto office.

Wendy Hulton ’88 moved her product regulatory practice from Miller Thomson LLP to Dickinson Wright LLP.

Lynn McGrade
Lynn McGrade ’88 was named one of the Top 100 Most Powerful Women in Canada by the Women’s Executive Network.

Lynn McGrade ’93 received the 2013 Law Society Medal for community service.

Marie Henein
Marie Henein ’89 received the 2013 Laura Legge Award from the Law Society of Upper Canada in recognition of her leadership within the legal profession.

Martha McCarthy ’89 received the 2013 Law Society Medal for significant contribution to the legal profession.

Michael Tutloch ’89 was one of RBC’s Top 25 Canadian Immigrant Award winners for 2013.

Winnie Wong ’89 was one of RBC’s Top 25 Canadian Immigrant Award winners for 2013.

1990s

Grant Gardiner ’91 was appointed Senior Vice President, General Counsel & Corporate Secretary of Nordion Inc.

Kenda Gee ’91 received the University of Alberta’s Award of Excellence for his documentary, Lost Years, which has garnered national and international attention.

Lorne Sossin ’92 received the 2012 David Walter Mundell Medal for excellence in legal writing and made Canadian Lawyer magazine’s list of the Top 25 most influential lawyers.

Michael Geist ’92 was named one of Canadian Lawyer’s Top 25 most influential lawyers.

Isabelle Lafleche ’93 launched her new book, J’adore Paris.

Janet Walker
Professor Janet Walker ’93 married Australian arbitrator Douglas Jones in ceremonies in both Toronto and Sydney in December 2013.

Stephen Freedman ’94 (LLM) is General Counsel & Chief Privacy Officer for LAWPRO.

James Stribopoulos ’94 was appointed to the Ontario Court of Justice.

Amanda Serumaga ’94 moved to South Sudan where she serves as the Deputy Country Director – Head of Programmes for the United Nations Development Programme (UNDP).

Norie Campbell ’95 (LLM) was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.

Jeffrey Miller ’95 has published a new book, The Structures of Law and Literature, resolute the vexing question of whether the two disciplines really have anything to say to one another.

Rose Pellar ’95 wrote and published, A Gift in Every Challenge. The book is part novel, part inspirational. It tells the story of her mother for whom divorce was not an option, and her story in which divorce was the only option.

1998

Catherine Healy
Catherine Healy ’98 (LLM) ’03 (PhD) was appointed Chief of Staff at the Securities and Exchange Commission.

Colleen Hanczy
Colleen Hanczy ’99 (LLM) ’03 (PhD) was reappointed to a second term as Brescia University College’s Principal.

Melanie Schweizer ’99 was promoted to the position of Assistant General Counsel at Bell Canada/ BCE where she leads the advertising and brand team.

Kevin Taylor ’99 and Rachael Barritt ’00 relocated to Bermuda in 2004 where they married and had their daughters Hannah Somers (b. Sept 2007) and Avery Isla (b. May 2011). They both work for Marshall Dow & Myers Limited where Kevin is Managing Director and maintains his civil and commercial litigation practice while Rachael, a Director, focuses on her matrimonial and family practice.
CLASS NOTES

2000s

Eric Spindel ’02 is a Partner at Tzigi Arnon & Co. in Israel. He is a member of the New York and Israeli bars and practices cross-border corporate finance and mergers and acquisitions.

Naomi Zener ’02 published her debut novel, Deadbeats Times.

Steve Anthony Coroza ’03 (LLM) was appointed to the Superior Court of Justice in Ontario.

David Brown ’05 (LLM) was listed as one of the Top 25 most influential lawyers by Canadian Lawyer magazine.

Sarah Joyce Draper ’07 joined the partnership of Daniel & Partners LLP.

Robert Niblock ’11 (LLM) is now a Partner at Fragomen Del Rey Bernsen & Loewy LLP and in his spare time advocates for human rights in North Korea with HandVoice.


Robert Nilsson ’11 (LLM) has returned to the United Nations as a Conduct and Discipline Officer to the United Nations & African Union Mission to Darfur (UNAMID).

Ronald Ellis ’09 was named to the Managing Partner at Dinner Martin Partners LLP.

Ronald Fernando ’09 was named to the Superior Court of Justice in Ontario. He is also the Vice Chairman covering the Middle East and Africa Region. He was a special lecturer on torts at Osgoode from 1948 to 1960. A three-term Treasurer of the Law Society of Upper Canada, he was a senior partner in the Toronto firm of Robins & Robins, was a special lecturer on torts at Osgoode from 1948 to 1960. A prominent figure in Ontario’s legal profession for more than 60 years, he had the third edition of his book, The Law of Inducement in Canadian Employment Law.

Jason Sacha ’12 combines his passion for filmmaking and the law through HanVoice. For more information or to submit a nomination, go to www.osgoode.yorku.ca/ALUMNI-DR-CONTACT. For more information or to submit a nomination, go to www.osgoode.yorku.ca/ALUMNI-DR-CONTACT.

Role Model to a Generation of Law Students

Hon. Sydney Lewis Robins ’47, O.Ont., QC, LLM, BA, passed away on January 10, 2014 at the age of 90. As prominent figure in Ontario’s legal profession for more than 60 years, he was a special lecturer on torts at Osgoode from 1948 to 1960. A three-term Treasurer of the Law Society of Upper Canada, he was a senior partner in the Toronto firm of Robins & Robins, where he practised corporate, commercial and labour law. He was appointed to the Supreme Court of Ontario in 1978 and to the Court of Appeal for Ontario in 1981. Upon his mandatory retirement from the Bench at age 75, Robins joined Goodmans LLP as Counsel.

2014 ALUMNI GOLD KEY AWARDS

The Gold Key Awards honour the outstanding achievements and contributions of Osgoode alumni in the following categories:

• Achievement: recognizes exceptional professional achievement;
• Public Sector: outstanding service of public sector or government lawyer;
• Legal Practice: significant contributions to Osgoode and/or the Alumni Association;
• One-to-Watch: recent graduate who demonstrates the promise of future leadership.

DIANNE MARTIN MEDAL FOR SOCIAL JUSTICE THROUGH LAW

Created in memory of Professor Dianne Martin ’76, this medal is awarded to a member of the Canadian legal community who has exemplified Dianne’s commitment to law as an instrument for achieving social justice and fairness.

IN MEMORIAM

January 1, 2013 to December 31, 2013

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Elizabeth Maclennan’s life did not go as she had hoped. While she was doing graduate work in history at the University of Oxford, her father, lawyer R.J. Maclennan, called her back to Canada to fill a vacancy in the family firm, Mowat, Maclennan. The firm had been started by Sir Oliver Mowat and R.J.’s uncle, Supreme Court Justice James Maclennan. Her brother, R. Ward Maclennan, who was admitted to Osgoode in 1914 at age 21, had died in an aviation accident in the First World War on December 28, 1917, and Elizabeth was needed to take his place. She graduated from Osgoode in 1926 and went on to a long and successful career as a lawyer. In 1936, she became president of the Women’s Law Association of Ontario.

Elizabeth is remembered for her great kindness and generosity of spirit and her strong ethical and social conscience. Being earnestly concerned to help those who could little afford her services, she often worked for pennies and visited ill or aged clients who would have found the trip to her downtown office difficult or impossible.

Osgoode has many highly accomplished alumni who are or were leaders of the profession, judiciary, legal education and government. They are well known and their biographies are documented. But it’s the lesser known stories, like that of Elizabeth Maclennan, that say so much about the history of the School and the times in which they lived.

In 2014 Osgoode will ‘officially’ be 125 years old, and we want to celebrate this milestone with a unique endeavour: The Alumni Voices Project. We want to tell the stories of the alumni whose photos line our hallways. But we need your help! Please share with us your story or that of a friend or relative online at: osgoode.yorku.ca/voices.

DEAN’S ANNUAL ALUMNI RECEPTION
May 14, 2014

Convocation Hall, Osgoode Hall
130 Queen Street West, Toronto
6:00 pm - 7:30 pm

Please RSVP online by May 9, 2014:
www.osgoode.yorku.ca/events

For more information contact the Osgoode Alumni Office:
416-736-5638
alumni@osgoode.yorku.ca
ENHANCE YOUR EXPERTISE – AND YOUR VALUE – WITH A PROFESSIONAL LLM FROM OSGOODE.

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NOW ACCEPTING APPLICATIONS FOR THE 2014/2015 STARTS IN 13 OF 18 SPECIALIZATIONS:

> Administrative Law
> Alternative Dispute Resolution
> Banking and Financial Services Law
> Bankruptcy and Insolvency Law
> Business Law
> Civil Litigation and Dispute Resolution
> Constitutional Law
> Criminal Law and Procedure
> Energy and Infrastructure Law
> Family Law
> General LLM
> Securities Law
> Tax Law

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