FEATURE

Shaping the Future of Health Care: Centre for Health Law, Policy and Ethics has a Ground-breaking First Year

The interdisciplinary Centre—the biggest group of health law scholars in Canada—is focused on research designed to tackle pressing health, health care and health system issues.

TOP STORIES

Helping Saskatchewan’s Francophones Study Law
The Common Law Section has launched a new certificate in French Common Law, in partnership with the University of Saskatchewan.

uOttawa Alumni Association Donates to Refugee Sponsorship Support Program
$2,500 donation will support the SSP in bringing refugees to Canada by providing free legal advice in support of private sponsorship.

Best-Selling Author Mark Bourrie Takes On ISIS… and Law School
Award-winning political journalist, best-selling author and Common Law student Mark Bourrie releases new book The Killing Game.
Advances in technology, changes in social mores, and increasing global connectedness are changing the face of health care, here in Canada and around the world. Breakthroughs in the health sciences offer tremendous hope to patients and the public. But with progress, new sets of legal, regulatory and ethical challenges emerge.

The interdisciplinary Centre for Health Law, Policy & Ethics—the biggest group of health law scholars in Canada and one of the biggest in the world—is focused on research designed to tackle pressing health, health care and health system issues, keeping policy-makers ahead of the curve when it comes to translating these new developments into effective practice.

**Outstanding Research Talent**
The Centre has attracted outstanding research talent to uOttawa. The Centre’s inaugural Director Colleen M. Flood is one of Canada’s foremost experts on comparative health care law and policy. She is joined by Prof. Steven Hoffman, well known throughout Canada and the U.S. for his expertise in global health law, global governance and institutional design; Prof. YY Brandon Chen, an expert in migrants’ rights to health, and issues relating to medical tourism; Prof. Audrey Ferron Parayre (in civil law), an expert in conflicts in medical decision-making, bioethics and issues of informed consent; and Prof. Lorian Hardcastle, Associate Director of the Centre and an expert in governmental liability in health and hospital governance.

This infusion of new talent complements the many outstanding health law researchers already at the Faculty of Law and colleagues across the University engaged with issues at the intersection of health law, policy and ethics. For example, Prof. Jennifer Chandler is a world-leading expert in legal issues relating to the brain and mental health and was recently awarded the Bertram Loeb Chair, the first academic chair in the world dedicated to research in the field of organ and tissue donation. She and Prof. Flood are co-editing a new book “Law & Mind: Mental Health Law & Policy in Canada,” forthcoming this year.

“We are so fortunate to have such a rich community of expertise here,” says Prof. Flood. “Our faculty members and collaborators bring research experience in every major area of health law, from infectious diseases, to reproductive tech, to mental health.”
Multi-Disciplinary Collaboration and Outreach
The Centre's emphasis on multi-disciplinary research brings together researchers from a vast array of specializations—not just legal experts, but researchers focused on health sciences, medicine, administration, social sciences and even religion. For example, Prof. Brenda Wilson (from the Faculty of Medicine) co-leads with Prof. Vanessa Gruben (an expert in reproductive health from the Faculty of Law) the Centre's theme of new health technologies.

“Law has an important role to play in making discoveries work for society,” says Prof. Flood. “Health Law is like the decathlon of legal events—when you're looking at new technological developments, for example mitochondrial uterine implants that can allow for three-parent families, understanding the legal and regulatory implications means taking into account a range of research on the science as well as social and ethical points of view.”

In the Centre's first year, Prof. Flood has emphasized making its research accessible to policy-makers, as well as to the public. The Centre hosted its inaugural conference in Fall 2015 on The Future of Health Law; the conference brought together experts from uOttawa, Canada and the U.S. to discuss issues ranging from the future of the Canada Health Act to the emerging field of robotics in health care.

Next fall, the Centre will reach out to policy-makers and health care professionals with a conference on the ramifications of the new physician-assisted dying legislation, bringing experts from the Netherlands to discuss their lessons-learned. The Centre also regularly hosts lunch-time seminars and evening Q&A sessions, where the public is invited to learn about topical issues such as reproductive technologies, and access to care for refugees.

“There’s a great spirit of collaboration at uOttawa. I believe the Centre builds on that and has great potential to make a real difference.”

- PROFESSOR COLLEEN FLOOD

Hands-On Learning Opportunities
Excellent hands-on learning opportunities for students are also a priority for the new Centre. The Centre has created the Santéships program, designed to provide first year law students with financial assistance, as they cultivate mentoring relationships with faculty members while assisting them with current research initiatives. Prof. Chandler also leads a Brain & Mind reading group, attracting many students and faculty to debate cutting edge research in the fascinating fields of neuroscience and psychiatry.

The Centre has also launched the Global Health Law Clinic, an experiential learning opportunity for students to apply their previous studies to real-world global health practice. Students work in teams over two semesters to provide a United Nations agency, government, or civil society partner with research, analysis and advice on addressing a pressing global health challenge facing them.

“Being a student fellow with the Global Health Law Clinic has been an outstanding experience, as it has provided me with the opportunity to contribute to a meaningful project in a complex area of the law. Working with the Canadian Red Cross Society on this project has been immensely rewarding and has reaffirmed the reason that I came to law school,” said Andrew Patterson, JD Candidate.

Prof. Flood is looking forward to continuing to build the Centre's reach and reputation. “There’s a great spirit of collaboration at uOttawa. I believe the Centre builds on that and has great potential to make a real difference.”

To learn more, please visit: commonlaw.uOttawa.ca/health-law/
You can follow the Centre on Twitter: @ottawahealthlaw
Special Events

Throughout the year, the Common Law Section hosts countless events for students, alumni and the general public. Here are a few of the noteworthy events from the past semester.

Honour Society Meet and Greet at Torys LLP

2015 Honour Society inductees met with Common Law alumni, friends and colleagues at a reception hosted by Torys LLP in Toronto on March 1, 2016.

- Honour Society Inductees Perry Dellelce, Justice Lise Maisonneuve, Anne Levesque and Alan D’Silva
- Dean Nathalie Des Rosiers with Justice Lise Maisonneuve
Opening of the New BLG Wing at Fauteux Hall

On February 4, the Faculty of Law celebrated the official opening of the Borden Ladner Gervais (BLG) Wing of Fauteux Hall, home to four modern, renovated classrooms.

13th Annual Michel Bastarache Lecture

Each year, the Michel Bastarache Lecture brings together French Common Law Program alumni and friends for a breakfast-lecture with the Honourable Mr. Michel Bastarache, a distinguished jurist who has contributed extensively to the promotion of French language communities in Canada. This year’s lecture was given by Katherine d’Entremont, New Brunswick’s Official Languages Commissioner.

Francois Larocque, Vice-Dean, French Common Law Program; Katherine d’Entremont; Justice Michel Bastarache
FACULTY PROFILES

Pierre Foucher

Few individuals have contributed as much to the advancement of language rights for Francophones living in minority communities in Ontario, and Canada, as Prof. Foucher. His work was recognized in January, when he was awarded the prestigious Ordre de la Pléiade by the Ontario branch of the Assemblée parlementaire de la Francophonie (APF), an association of 81 parliaments and interparliamentary organizations in Francophone countries across five continents.

Prof. Foucher has authored more than fifty articles and book chapters, and has authored, co-authored or edited nine books on language rights. He was the first researcher to study the scope and application of section 23 of the Canadian Charter of Rights and Freedoms, which guarantees Francoophone minority communities the right to education in their language; and he wrote the first major text on Article 20 of the Charter, exploring the right to receive government services in French or in English in Canada. His works are routinely cited by trial courts, and even served as inspiration to the framers of the Official Languages Act of Canada.

Most recently, Prof. Foucher explored the Royal Proclamation of 1869 concerning the protection of the rights of Francophone Métis in Western Canada. This led to his involvement in the landmark language rights case, R v. Caron, where he argued before the Supreme Court of Canada in February 2015. There is little doubt that Prof. Foucher’s research and public interventions will continue to have an impact on our developing understanding of language rights, their inclusion in our constitutional dynamics and their relationship to culture.

Sheila McIntyre

Retired Professor Sheila McIntyre was honoured on April 21, 2016, along with Monique Bégin, Marie-Thérèse Chicha, Ruth Elwood Martin and Dee M. Dooley, at an event celebrating their contributions to improving the quality of life for women in Canada.

The event was hosted by Famous 5 Ottawa, a local organization named after Emily Murphy, Nellie McClung, Irene Parlby, Henrietta Muir Edwards and Louise McKinney, five women who fought to be known as “persons” under law in 1929 so that women could be appointed to the Senate. Prof. McIntyre and the other honourees are the recipients of the 2015 Governor General’s Awards in Commemoration of the Persons case.

“There’s something quite phenomenal about being recognized in the House of Commons, in the Senate, and in the Governor General’s home for work, that when we did it, we paid a high price,” said Prof. McIntyre. “Now the government is saying, ‘We want to thank you for that work.’ That’s a phenomenal message to young women.”

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On April 14, 2016, the Supreme Court of Canada released a unanimous decision in Daniels vs. Canada, ruling that Non-Status Indians and Métis are considered “Indians” under Section 91(24) of the 1867 Constitutional Act.

The decision will have far-reaching consequences, effectively extending the federal government’s responsibility to about 600,000 Métis and non-status Aboriginal people.

“I’m very happy that we were successful in removing a blockage that caused widespread discrimination against a large population of indigenous people” said Prof. Joseph E. Magnet, lead lawyer for the Congress of Aboriginal Peoples.

This decision marks the end of a 17-year legal battle, launched in 1999 by then-president of the Congress of Aboriginal Peoples, Métis leader Harry Daniels, along with Leah Gardner, a non-status Anishinaabe woman, and Terry Joudrey, a non-status Mi’kmaq man.

Prof. Magnet is Counsel to the Congress of Aboriginal Peoples with responsibility for all constitutional, treaty and Aboriginal rights litigation, as well as Chief Negotiator and Lead Counsel for First Nations in Land Claims Processes. He has acted as counsel in more than 200 constitutional cases in the Supreme Court of Canada and the trial and appellate courts of Ontario, Quebec, and Manitoba.

Joseph Magnet

For more than two decades, Prof. Jane Bailey has dedicated herself to fighting the spread of hatred and promoting equality and respect in online spaces. Her research has established her as the foremost thinker at the intersection of law, technology and equality and as Canada’s leading expert on cyber-harassment.

In recognition of this, Prof. Bailey was awarded the Canadian Bar Association (CBA) 2015 Ramon John Hnatyshyn Award, which recognizes outstanding contributions to the law or legal scholarship in Canada.

Prof. Bailey undertook the fight against hate propaganda in the late 1990s, when she acted as co-counsel on the first Internet hate speech case to come before a Canadian Human Rights Tribunal, the case involving Holocaust-denier Ernst Zundel.

More recently, “The eGirls Project,” which she co-led with Prof. Valerie Steeves, was a ground-breaking initiative investigating the relationship between gender, privacy and equality in online social networking. The project gave voice to girls’ and young women’s perspectives about their online experiences, allowing them to contribute to policy and scholarly debates. Prof. Bailey co-edited collection of essays by project researchers, titled e-Girls, e-Citizens, which was published in June 2015.

Professors Bailey and Steeves recently received an SSHRC Partnership Grant worth $2.5 million over seven years, for a project entitled “The eQuality Project,” which brings together a broad range of civil society, educational and government partners interested in exploring young peoples’ experiences online.

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Faculty Publications

Common Law Faculty members are contributing to legal scholarship, public debates on emerging legal issues, and even fiction through their publications. Here are a few new releases…

“Robot Law” Addresses Law, Ethics, and Philosophy in the 21st Century

“Robot Law” might sound like science fiction, but it’s an increasingly important area of law, and the title of an exciting new book from Edward Elgar Publishing.

“We assembled this book because robots are on the precipice of creating a number of significant social challenges that law is currently ill-equipped to address,” says co-editor and chapter author, University of Ottawa law professor Ian Kerr.

Kerr joined co-editors Ryan Calo (University of Washington School of Law) and Michael Froomkin (University of Miami School of Law) at the Robot Law book launch at the University of Miami on April 1, as part of the annual We Robot conference.

“Robots have great potential to take on unpleasant, difficult, or boring tasks, but they also present real risks that require careful planning by designers and by policy-makers,” writes Froomkin. “The technical issues are far more complex than lawyers tend to imagine, and the legal, ethical, and philosophical issues more controversial… than engineers tend to imagine.”

“Robot Law” tackles complex technical, ethical, and legal issues raised by robotics, such as driverless cars, killer robots, sexbots, and drones. The authors explore the increasing sophistication and utility of robots—from home and hospitals, to public spaces and the battlefield—and raise serious philosophical and public policy concerns. According to Calo, the book presents readers with “a perfect snapshot of the early days of an exciting new field.”

A novel approach to law

Tracey Lindberg incubated Birdie for almost two decades before the book’s release last year. But once hatched, her first novel quickly flew off the shelf and onto the shortlist of CBC Radio’s Canada Reads competition.

The theme of this year’s battle of the books—“starting over”—fits both the compelling story Lindberg tells in Birdie and events in her own life. After 20 years at Athabasca University in Edmonton, where she was an associate professor and Canada Research Chair in Indigenous Traditional Knowledge, Legal Orders and Laws, Lindberg is moving to Ottawa to join the Faculty of Law this fall.

For more than a decade, she has taught in the Faculty’s January Term, the mini-session in which students focus intensively on one course for three weeks. Now, she will return to her alma mater full-time.

“One of the 94 calls to action issued by the Truth and Reconciliation Commission refers to indigenizing the academy,” she says. “The University of Ottawa’s Faculty of Law is incredibly motivated to address this in a meaningful way, and I want to be part of that.

“It will also mean being in Ottawa during the important political discussion around building a new ‘nation-to-nation relationship.’ I hope that the hopes around that are valid, and great things come of it.”

After law degrees from the University of Saskatchewan and Harvard University, Lindberg earned her doctorate at uOttawa, winning the 2007 Governor General’s Gold Medal for her dissertation, Critical Indigenous Legal Theory. “Indigenous and non-Indigenous peoples in Canada are separated by an enormous knowledge gap,” she wrote, referring to different knowledge bases and ways of knowing. She has worked ever since to close that divide.

Lindberg will teach a course in the fall that will see students signing non-disclosure agreements and working with Indigenous communities on actual legal problems. In the spring session, she hopes to offer a course that “will look to find the law in books like Birdie.”
Faculty Awards and Distinctions

Every year, Common Law’s diverse faculty amasses a wide variety of awards and distinctions. Here are some highlights:

**Faculty Awards and Distinctions**

Errol Mendes

Professor Errol Mendes has been appointed to the Order of Ontario, the province’s highest honour, awarded to Ontarians for excellence and achievement in any field. Prof. Mendes is being recognized for his contributions as an influential advocate for the universal application of human rights. He is internationally renowned as one of Canada’s leading experts on human rights law and constitutional democracy.

Suzanne Bouclin

Professor Suzanne Bouclin has been awarded the University of Ottawa’s prestigious Young Researcher of the Year Award for 2015. Since joining the Common Law Section in 2011, Prof. Bouclín has made significant contributions in promoting equality and social justice. Her research explores the intersection of law, art and film, bridging the gap between law and cultural theory with special attention to women and people living in poverty. Her significant work in these areas has also earned her membership in the Global Young Academy, a prestigious international network of emerging scholars.

Steven Hoffman

Professor Steven Hoffman and students from the Ottawa Law Review have received a grant from the Canadian Institutes of Health Research (CIHR) for an upcoming symposium entitled “Drugs for Superbugs: Fighting Antibiotic Resistance in Canada”. The upcoming symposium will address various aspects of antibiotic resistance, and will welcome leading international scholars to discuss the issue, and propose innovative solutions and strategies for regulatory reform. Following the conference, the Ottawa Law Review will publish a Special Issue journal on health law featuring papers presented at the symposium.

Jamie Liew

Professor Jamie Liew’s recent book, Immigration Law, 2nd edition (Irwin Law), co-authored with Donald Galloway, was quoted in the Supreme Court of Canada’s decision in Kanthasamy v Canada. The case dealt with the scope of humanitarian and compassionate grounds in immigration applications. Prof. Liew also served as a lawyer on a team of persons representing an intervener, the Canadian Council for Refugees, in Kanthasamy v Canada, which ultimately led to a positive ruling for immigrants and refugees.

Helping Saskatchewan’s Francophones study law

This spring, the Common Law section launched a new certificate in French Common Law which will provide new opportunities for bilingual students and increase access to legal services in French in francophone minority communities.

The Certificate in Common Law in French (CCLF) will be offered through a partnership between the University of Ottawa’s French Common Law section and the University of the Saskatchewan College of Law.

The University of Ottawa’s Certificate in French Common Law is the first of its kind in Canada. The CCLF will allow law students to take part of their course-load in French, complete an exchange in Ottawa, and compete in moot court competition with teams throughout Canada.

“The CCLF program allows students to contextually acquire French common law terminology in various courses, deepen their knowledge of language rights, and improve their ability to draft legal arguments in French,” says Prof. Caroline Magnan, who worked with the French Common Law Program to develop the CCLF curriculum and reach out to partners in Western Canada. “The program gives participants the tools they need to provide legal services in both official languages, along with a professional designation that will benefit them throughout their careers.”

And, thanks to support from the Association communautaire fransaskoise, which represents Saskatchewan’s Francophone communities, and the Association des juristes d’expression française de la Saskatchewan (AJEFS), which represents Francophone legal professionals in Saskatchewan, students will be mentored by experienced legal professionals and will be assigned to credited placements in law firms, legal organizations and government legal offices that provide services in French in Saskatchewan.

“The Fransaskois legal community is happy to be a part of this wonderful initiative. We look forward to helping students enrolled in the CCLF by ensuring that they have mentors and excellent internships within Saskatchewan,” says AJEFS President and uOttawa Common Law alumnus Francis Poulin. “The CCLF is a first step towards a rewarding legal career and the ability to serve clients in both official languages.”
Katie Black: Giving Back to Her Alma Mater and Community

Alumna Katie Black added another award to her shelf this year: the County of Carleton Law Association’s Gordon F. Henderson Award, which recognizes members who make significant contributions through charitable services on behalf of the community.

Over the past year, Katie has been exceptionally generous in dedicating her time to help refugees, as Co-Creator and Volunteer Pro-Bono Director of the Refugee Sponsorship Support Program (SSP). In this capacity, Katie co-created a national organization of over 1,200 pro-bono lawyers and students across twelve cities in Canada.

The SSP provides critical pro-bono legal services to those seeking to sponsor refugees to Canada in the areas of refugee, tax and trust law. Katie helped create the SSP training, client-intake and insurance infrastructure, as well as the Ottawa lawyer matching program. She also helped put on a legal clinic where over 450 members of the public were served.

Katie has also been essential to the SSP’s fundraising efforts, helping to obtain over $280,000 in funding for the SSP’s sustained development. She recently helped organize two refugee nights with Ottawa’s professional hockey teams, the Ottawa Senators and Ottawa 67s. The many refugee newcomers received skating lessons before the game and were celebrated by the crowds. For September, she is helping organize a Welcome Week for refugees, comprised of a TedX style talk and music festival.

“I am so proud of our profession,” says Katie, “we had a simple idea as to how litigators, family and criminal lawyers could take action in the face of the most horrific forced migration since the Second World War. The response has been overwhelming.”

Katie’s work with the SSP is in addition to her day job as a litigator. Katie graduated magna cum laude from the University of Ottawa in 2009. While attending uOttawa, Katie received numerous awards. Upon graduation, Katie out-performed a field of intense competition, and obtained one of the most coveted articling positions in Canada: clerking for the Chief Justice of the Supreme Court of Canada, the Right Honourable Beverley McLachlin PC. Katie is a partner with Caza Saikley, where she currently practices in all areas of civil and appellate litigation.

uOttawa Alumni Association Donates to Refugee Sponsorship Support Program

The uOttawa Alumni Association has made a $2,500 donation in support of the Refugee Sponsorship Support Program (SSP)—a project of the University of Ottawa Refugee Hub that helps bring refugees to safety in Canada faster by providing free legal advice in support of private refugee sponsorship.

“We chose to support the SSP with our donation, because it exemplifies the spirit of uOttawa, bringing together over 1,300 students, experts, community organizations and professionals, including many alumni, to offer their expertise in helping refugees come to Canada,” said Alumni Association President Elizabeth Rody.

“It means so much to us to have the support of the Alumni Association in this important effort,” said Prof. Jennifer Bond, the Faculty Director of the Refugee Hub. “This program is building much-needed capacity in the Canadian sponsorship system, and is helping more Canadians get more refugees to safety as quickly as possible. uOttawa alumni have been involved from the very beginning, as key organizers, volunteers, and donors, and this generous donation is one more way that we are benefiting from the tremendous support of the University’s alumni.”

The SSP has three components:
- A training program, which trains lawyers and law students on the sponsorship process;
- A matching program, which provides sponsor groups with support from pro-bono lawyers and law students; and
- A public information program, which provides Canadians with easy-to-understand information.

To learn more, or if you are interested in becoming a sponsor or offering pro-bono legal advice, please visit the SSP website at refugeessp.ca/helping-refugees.
Students in the Community

Access to Justice Practicum Offers Free Law Event at Lincoln Fields Mall
On Tuesday April 5, 2016, Prof. David Wiseman, Prof. Marina Pavlovic and a group of Common Law students offered a free law event that provided information, advice and referrals to community members who face legal problems, but are unsure how to access legal assistance.

University of Ottawa students argue cases before the Tax Court of Canada
Last month, Julio Paoletti, David Perron, Romina Raesi and Jessica Stansfield appeared before the Tax Court of Canada providing assistance to self-represented litigants. Under the supervision and guidance of Professor Gabrielle St-Hilaire and part-time professor and Osler partner, Ian MacGregor, the students worked in pairs to prepare and argue two informal procedure cases before the Tax Court. The students were selected from a pool of candidates who applied to the Tax Advocacy Project (TAP) through ProBono Students Canada. The TAP initiative, which was already running in other cities with the collaboration of tax lawyers, is a response to former Chief Justice Rip’s call on law firms and law schools to assist low-income taxpayers who are disputing an assessment and for whom it is difficult to navigate a very technical area of the law. Professors MacGregor and St-Hilaire provided intensive training on the tax assessment system, tax dispute resolution and tax advocacy as well as file specific training and support. Students gained experience meeting with the taxpayer, gathering evidence, doing research, preparing arguments and finally appearing before the Tax Court accompanied by one of their professors. Irrespective of the results of the appeals, for which one of the decisions has yet to be rendered, the students’ assistance leveled the playing field, increased the fairness of the process, and was highly appreciated by the taxpayers. Certainly, the TAP initiative provided students with the opportunity to gain practical experience but more importantly, to increase access to justice.
Publications

Best-Selling Author Mark Bourrie Takes on ISIS… and Law School

Being an award-winning political reporter, bestselling author, and university lecturer would be a full slate for most people. But, with a new book on the brink of publication, Mark Bourrie chose to embark on a new challenge: law school.

Bourrie says he was inspired to pursue a JD after his wife completed law school. “I saw how it changed the way she thought about politics—it made her more analytical,” he said.

His book Kill the Messengers: Stephen Harper’s Assault on Your Right to Know was about to be published as Bourrie began his first year of Common Law studies. The book was released in January, 2015, and immediately met with critical and commercial success; the Globe and Mail listed it as one of the top 100 books of the year, and the Hill Times chose it as one of the top 20 Canadian political books of 2015.

At the time, Bourrie was making his way through the first year JD curriculum, wading through the complex world of torts and contracts. He noted that his busy schedule was not without consequences: “I didn’t notice that the publisher had chosen my least favorite cover design until the book had already gone to print.”

Now in second year, Bourrie has just released a hotly anticipated new book (his 14th), The Killing Game, a study of ISIS propaganda and recruitment. The book covers a wide range of topics, including the use of technology for making and distributing propaganda—an area where legal implications are still being debated.

Bourrie says his experience with legal studies has had a marked effect on his approach to journalism, and that he hopes to combine the two going forward. “Most journalists don’t have an understanding of the legal system that underlies our society,” he said. “Every reporter would benefit from training in substantive law, judicial review and court procedure.”

This summer, Bourrie will be taking a break from writing, instead working at Lister Beaupre, helping the Ottawa firm explore how it can expand its practice in internet defamation and privacy cases.

The Killing Game is available in hard-cover and e-book formats from Harper Collins Canada and book stores.