

AUTUMN 2019

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UNIVERSITY OF ALBERTA
ALUMNI MAGAZINE

ASSISTED
DYING.

WOMEN'S
RIGHTS.

INDIGENOUS
LAND CLAIMS.

AS CHIEF JUSTICE OF
THE SUPREME COURT, SHE
HELPED DEFINE SOME OF
OUR MOST FUNDAMENTAL
RIGHTS. WHAT DRIVES
BEVERLEY MCLACHLIN?

A JUSTICE FOR ALL

SEW ME A STORY
FIVE PIECES OF
HISTORY FOR YOU
TO (BE)HOLD



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Beverley McLachlin remains actively involved in law. Here she prepares to deliver a lecture at an event hosted by the Law Society of British Columbia in Vancouver in June. Page 18.
Photo by John Ulan

ON THE COVER
During 28 years on the Supreme Court of Canada, 17 of them as chief justice, Beverley McLachlin helped shape the fundamental laws of our country. She writes a mean crime novel, too. Page 18
Photo by John Ulan

Justice is at the heart of what drives Beverley McLachlin, whether she's writing groundbreaking judgments at the head of Canada's highest court or a bestselling legal thriller. Expect more of the same in her next chapter

BEYOND *the* BENCH

BY CURTIS GILLESPIE, '85 BA (SPEC)
PHOTOS BY JOHN ULAN



McLachlin signs a copy of *Full Disclosure*, the legal thriller she started writing while she was still serving on the Supreme Court. The protagonist is a young female defence lawyer in Vancouver.



INTERVIEWING FORMER CHIEF JUSTICE BEVERLEY McLACHLIN IS NOT FOR THE FAINT OF HEART.

She is widely regarded as one of the greatest legal minds ever to come out of Canada. Her tenure at the Supreme Court of Canada, particularly as its chief justice (the first woman ever to hold the post), is generally viewed not only as the high-water mark of Canadian jurisprudence but also as an example of judicial excellence much of the world seeks to emulate. Her decisions and writings on dozens upon dozens of intellectually intricate and ethically thorny issues are models of clarity and precision.

The impact on the lives of Canadians has been incalculable. Not only has **McLachlin**, '65 BA, '68 LLB, '68 MA, '91 LLD (Honorary), weighed in with fairness and precision on such issues as the right of prisoners to vote, Indigenous land claims, systemic discrimination against women, safe injection sites, assisted dying, hate speech, and free and fair electoral practices, but she has done it while fostering an open and collegial environment.

McLachlin's retirement from the bench in 2017—after 28 years on the

Supreme Court and 17 years leading it, the longest run ever for a chief justice—elicited an outpouring of praise, respect and admiration. The high regard with which she was, and still is, held has since been reinforced by her being named to the Hong Kong Court of Final Appeal and appointed to review allegations of misspending by two officials in the B.C. legislature. She had a few other surprises up the arm of her robe, too. Shortly after retiring, she produced a legal thriller, *Full Disclosure*, which immediately shot to the top of the bestseller lists and has been optioned for a screen treatment. (More about the book later.) Her memoir, *Truth Be Told: My Journey Through Life and the Law*, is due to be released this fall.

In short, McLachlin is—and there is no fear of exaggeration—one of the most truly impressive people this country has ever produced.

When interviewing such a person, a journalist frequently looks for, or at least remains alive to,

flaws to offset the subject's outward-facing impressiveness (if for no other reason than to hang on to a shred of one's self-worth). But there is no such recourse with McLachlin because as impressive as she is intellectually, she seems equally kind and gentle in person. And genuine. And polite. And self-deprecating. One can only come away feeling that one's own life path, no matter how unswerving and ambitious it may have seemed, is but a weedy backwoods trail full of soggy maps, aimless backtracking, popped blisters and roots tripped over, and which, in the end, hasn't led anywhere particularly interesting ... but this is not about me.

Born in 1943, McLachlin grew up in southern Alberta, near Pincher Creek, the eldest of five children. Her father, Ernest, was a rancher and farmer and also ran a sawmill. Her mother, Eleanora, ran the household and helped with her husband's various business ventures. McLachlin describes her upbringing as not affluent but says her parents always had enough to feed and clothe their children. Though that didn't prevent economic anxiety.

"There was always a sense of, 'Will there be enough money to pay the bills? To pay all the people we have to pay at the end of the month?' It was a rural community and nobody was wealthy. It wasn't a class community in that sense, and so I never had any sense of entitlement at all."

Since her retirement from the Supreme Court in 2017, Beverley McLachlin continues to be involved in law and justice. Here, she prepares to deliver a talk in June at a Vancouver event hosted by the Law Society of British Columbia.

Her parents encouraged her academic ambitions during an era that was less than welcoming to women in the white-collar professions. McLachlin knew she wanted to go to a university of good standing when she finished high school.

"The U of A was always something of an icon," she says. "But there was also a practical reason. I didn't have any money and my parents had four children younger than me, so there was no way that they had the luxury to say, 'Would you like to go to UBC or the University of Toronto?' But I never wanted to, either, because everything I knew about the University of Alberta was that it was a very fine institution. And indeed, it was and still is."

Once she finished her undergrad degree, McLachlin went on to complete a master's in philosophy and a law degree at the U of A—graduating with both, remarkably, in the same year. By then she had married her first husband, **Rory McLachlin**, '70 MSc. He was

supportive of her career and urged her to take it as far as she could. "He always told me, 'You'll be on the Supreme Court one day.' I would laugh at him." (Tragically, he died of cancer at age 47.)

The study of law resonated deeply and immediately with her. It suited her intellectual interests—exploring ideas, developing positions, arguing for certain stances—and it was also about people. It seemed to her a good avenue to engage with society in a direct way.

Law was still mainly the domain of men. There were 65 students in her class at the law school, seven of whom were women, four of whom went on to legal careers. Sexism was a mountain that a woman in a professional field had to climb every single day.

"It was just the way the world was," McLachlin says. "It's changed a lot, thank goodness. But I remember when I went for my first interview for articles, and it was with a prominent practitioner, a wonderful man. We had a great interview and I was the top of the class. I thought I'd get the job. At the end of this lovely interview, he said, 'Why do you want to practise law?' I was completely flummoxed and didn't know what to say. Seeing my discomfiture, he said, 'Well, you know, you're married!' I thought, 'What does that have to do with it?' I remember just fleeing the office and feeling, 'I'm not going work there, even if they were to ask me.' They never did. But I went across the hall and got a job with a different firm that had had women working for them."

She was soon to discover the depth of sexism that existed, even once a woman had secured a job and established her bona fides. The sexual banter, the casual disrespect. The day she started with the new law firm, she was put in an office with another female lawyer; none of the male lawyers shared offices. It wasn't that people were unkind, she recalls, but there was an entire set of working assumptions taken for granted.

"I even remember times you'd finish a case and the firm would have a victory lunch at a men's-only club! I fumed and in the end just said to them, 'I'm hurt, you shouldn't have done



that, and that was wrong.' ... Basically, I decided that if things happened, well, that was the other person's problem and I wasn't going to let it get me down. I always had a certain doggedness and determination that I would not let that kind of thing get in my way. I'm a pragmatic person. Sometimes you have to stand up, but do it honestly and politely. That has always been my approach and I think it has served me well."

She would go on to bring about many changes in the workplace. An observer will no doubt wonder whether her early experiences of discrimination etched into her a passion for fighting for the powerless. "The greatest satisfaction I got out of the early years of my practice," she says, "were those cases where I took on somebody who didn't seem to have a hope. You knew they were in a bad situation, and I found some small role to play in rectifying their situation or getting them justice. I found that enormously satisfying."

McLachlin worked as a lawyer in Edmonton and British Columbia, then as a professor at UBC, before taking on various judge positions up the chain until she was appointed in 1988 as chief justice of the Supreme Court of British Columbia. When former prime minister Brian Mulroney appointed her to the Supreme Court of Canada in 1989, she found almost instantly that it suited her intellectually and temperamentally. The 70-hour workweeks weren't a problem. "When you're involved with what you're doing, it's fine. The most important thing is not how much you're working but that you love what you're doing and that you're involved with what you're doing."

Yet the stress of the Supreme Court is real and relentless. Again, McLachlin's temperament helped set the tone. "I've always felt in my soul that it's right to achieve as much consensus as possible. I mean, I will never resile from what I feel is the right position, so someone else would probably say, 'She is pretty confrontational.' And I've written my share of dissents. But there's a high level of collegiality. During my time on the court, I was privileged to serve with wonderful people. We had a lot of good times and great discussions. It's fun. When you're working that closely with people, you develop intense bonds."

It might be difficult to understand how two judges can argue a point of law vociferously in the afternoon and then have an enjoyable meal together in the evening. Professional differences, she says, are part of the work. It doesn't mean you don't respect one another. You have to be true to your vision of the law and what the result

should be, and if you're not true to that, you're not doing your job. Which means no matter how much you respect your colleagues, there are going to be confrontations. But she led the way in creating an environment of respect for opinions, ideas and shared humanity.

"At the basis of all her decisions is compassion," says legal scholar Ian Greene, '70 BA(Hons), who is co-writing a book with Peter McCormick, '68 BA(Hons), called *Beverley McLachlin: The Legacy of a Supreme Court Chief Justice*, due out this fall. "She has been arguably one of the most

"I'd get up at 5:30, work on the book for a couple hours, take my dog for a walk, shower, then go to court and the rest of the day was judge stuff."

effective judges the court has had in terms of the advancement of the rule of law and human rights, clarity of writing, leadership and the promotion of collegiality."

One has to wonder how a person can retain the mental and emotional strength, not to mention the physical stamina, to do a job like that day after day, year after year. McLachlin admits she had to remain constantly aware of managing the stress, as every judge does. Most find ways to sublimate the strain, to bleed off the pressure with outside interests. She recalls the advice of former Supreme Court justice William McIntyre. When she replaced him, she asked if there was one piece of advice he could give her. He thought about it for a while and then said, "Find outside interests. Otherwise this job will consume you."

"It was wonderful advice," McLachlin says. "I had a young son at the time. And Frank [McArdle, her second husband, to whom she has been married for 27 years] and I have a cottage we get away to. I walk a lot. I turn off my electronics for a day or two. I go to concerts. I see friends outside the legal profession. You need to stay connected, to read the papers, to be involved with society. You have to be part of the community to understand the community. I was appointed in 1989 and left the court in 2017, and there's no way I could have survived that period so happily if I hadn't had a good human life."

A generation ago, the Supreme Court of Canada was not viewed as a template for other countries; today, countries around the world have sought counsel from and even attempted to emulate the practices of our highest court. That's not an accident, though McLachlin would never think of taking

everyone when she went to the opposite end of the spectrum. Crime writing. A genre novel. Packed with wrongdoing and scandal and unsavoury characters and sex and intrigue. *Full Disclosure* is a legal crime thriller full of the kind of lurid details you'd see in a TV legal show. Clearly, McLachlin had things other than legal decisions bubbling under the surface all those years. She laughs when I ask her about that.

"Oh, I always knew I had it in me," she says.

"So when I finally wrote fiction, it just felt so liberating to exploit that part of my personality. To create characters, describe things, be creative. Because as a judge, you're not supposed to be creative. You are developing legal concepts, yes, and the law has to develop to meet new situations, so there's an element of creativity. But storytelling was so different and great fun."

McLachlin is smart enough and humble enough

to have kept expectations in check ("I'm not Proust!"), which meant she was pleasantly surprised when she finished the book, found an agent and then a publisher. She was convinced it was something she had to get out of her system and then she'd move on. But she is now a full-fledged success and is already at work on her next book, the aforementioned memoir.

"I never set out to create a literary masterpiece," she says of *Full Disclosure*. "But I did have a philosophy in the book to write about the truth and my reflections on social justice and the downtrodden, to address the situation of those less fortunate, or who are weak or discriminated against, who are maybe caught up in something that they shouldn't be caught up in, and can they be redeemed. So that does come through because that's what my fundamental concerns are."

These have been the concerns of her entire career but to lay them out in fictional form takes a different kind of courage. I ask her what the reaction to the book has been from her colleagues in the legal and judicial worlds. She laughs.

"Well, it depends. Some have read it and really enjoyed it; others, I think, didn't know quite what to make of it. Nothing negative, though. I thought that there would be some negative reaction, but if there has been, it hasn't been communicated to me. As I said to one of my colleagues, this is my little frolic."

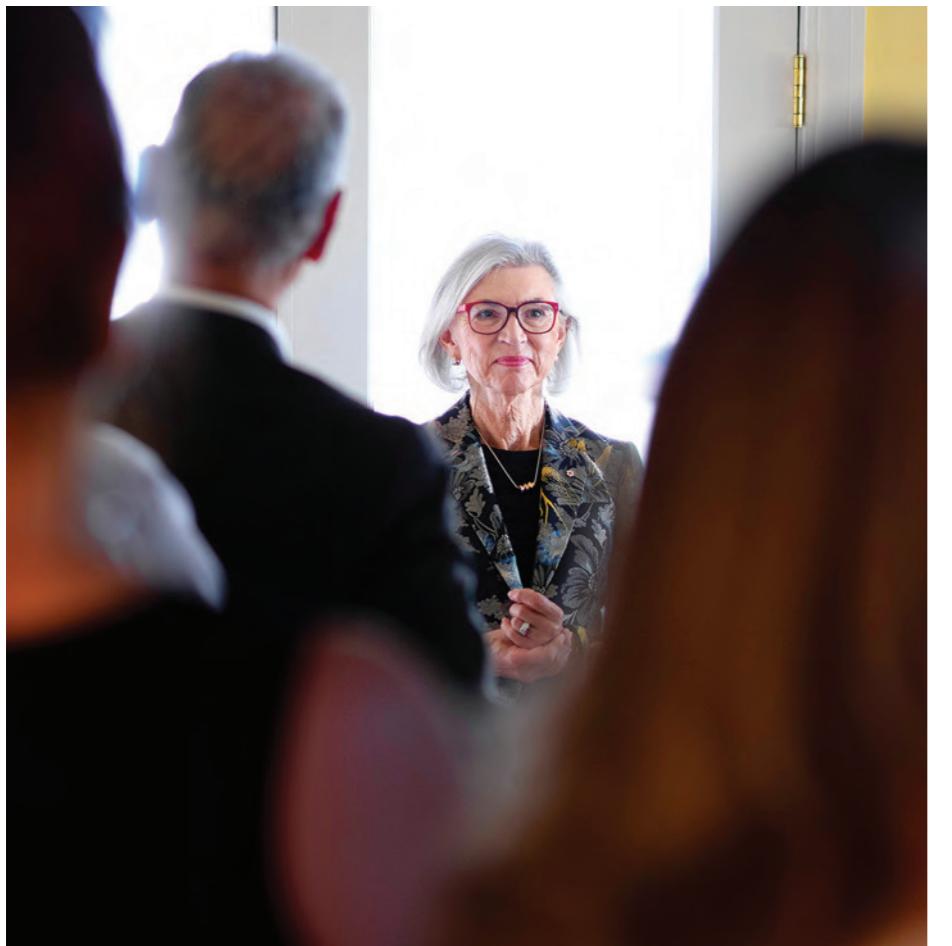
A frolic her new freedom allows her. She says her friends have remarked that she seems lighter, freer, since retirement, even with the work she has taken on since leaving the SCOC. It's not hard to understand why, given the tremendous demands of the job she shouldered for so many years: nothing less than helping shape law in this country.

To those who know McLachlin, or know of her remarkable role in Canadian jurisprudence, it is clear that she made the role, the role did not make her.

Greene notes in the upcoming book that her career was not one that she planned for herself. "But her personal qualities of collegiality, hard work, insight, impartiality and down-to-earth humility quickly brought her to the attention of senior judges and politicians."

He sums up his thoughts for this article:

"Although she rose from obscurity to become one of the world's leading jurists, she never lost her humility and compassion. We are all beneficiaries of her example." ■



A decorative title card for 'Handmade Tales'. The title is written in large, stylized, serif letters with a wood-grain texture. The background is a dark brown wood-grain pattern with intricate white scrollwork and floral patterns framing the title. Below the title, there is a short text blurb and author information.

If objects could talk, they'd teach us so much about the world and ourselves. Discover the secret stories of stuff through an unexpected sampling of artifacts from the U of A's Anne Lambert Clothing and Textiles Collection.

BY STEPHANIE BAILEY, '10 BA(HONS)

PHOTOS BY JOHN ULAN

LETTERING BY LUKE LUCAS



An ancient Egyptian tapestry and the rubber boots Lois Hole wore while gardening. Both items tell stories of everyday life. And they're both part—perhaps an unexpected part—of the U of A's Anne Lambert Clothing and Textiles Collection.

"Most people come to the collection expecting to see a very specific sample of historical clothing—garments you might see in *Downton Abbey*," says Vlada Blinova, a researcher and collections manager who leads public tours. "[People are] often surprised to see that we also have lots of cultural textiles, tools and accessories."

Indeed, the donor-supported collection holds a seemingly bottomless well of artifacts—more than 23,000 pieces that span 350-plus years of history—that expand our understanding of the world. Students, researchers and other curious folks can learn first-hand about historical and cultural traditions from around the globe. Here are a few objects that tell us stories about the world that once was.

View the collection at Alumni Weekend, Sept. 19-21, or visit clothingtextiles.ualberta.ca.

SNOW GOGGLES

1954. Kugluktuk, Nunavut (formerly Coppermine, N.W.T.), Canada

There is a whole lot of snow in the Arctic. And where there's snow, there's glare. And where there's glare, there's the risk of snow blindness (think: a painful

sunburn for your corneas that takes days to heal). To protect their eyes from the harsh spring sun while hunting, Inuit traditionally wore snow goggles carved out of bone or antler and, later on, out of wood—like the ones shown here from the 1950s. The narrow slits acted like a permanent squint, shielding the eyes from harsh ultraviolet rays and helping bring objects

at a distance into better focus. Each pair would be custom-made for the wearer's face to block out as much sun as possible. Sometimes soot was applied to the inside of the goggles to cut down on glare even more. They'd never fog up or ice over, making them superior even to modern, high-tech sunglasses. Eat your heart out, Oakley.



STUMPWORK BOX

ca. 1650-1675. England



It's hard to believe this intricately embroidered box could have been fashioned by an 11- or 12-year-old. In the 17th century—long before Polly Pockets and iPads—young girls were put to work learning how to sew. As early as age six, girls of all social classes learned basic needlework techniques, such as hemming and seaming, to help make undergarments and basic household linens. These skills were essential to running a household in a time when popping out to Bed Bath & Beyond wasn't an option. But only a privileged few were able to afford the time and materials to create embroidered boxes like this one, which was created in England. For young girls who spent years practising embroidery, these boxes were seen as the "final exam" of their needlework education. The panels often featured stumpwork embroidery, where stitched figures depicting scenes from the Bible—like the stories of Joseph and Moses seen here—are raised from the surface in a 3D effect. Not just mantelpiece dust collectors, stumpwork boxes were functional, housing jewelry and writing tools.



FAMILY HAIR WREATH

ca. 1890. North Dakota, United States

We've all heard of a family tree but what about a family hair wreath? However hair-raising this might seem to our modern sensibilities, hair art was common during the Victorian era. Hair doesn't decay or lose its colour, making it the perfect sentimental token of love and friendship, or a way to remember the dead. To make a wreath like this one, hair was collected from family members and then painstakingly woven into intricate designs, often in the shape of flowers. If you wanted to make your very own family "hairloom," you could find patterns in stores and in women's magazines. Victorians were less squeamish about death than we are today, perhaps because mortality rates were much higher and most funerals happened at home. In fact, the living room used to be called the death room because that's where most Victorians would host funerals and display the deceased for viewing.

BATIK CAP

ca. 1945. Java, Indonesia

Indonesian batik is a method of hand-drawing intricate designs onto fabric with wax. After soaking the cloth in dye, the maker removes the wax with boiling water and draws another design before re-dyeing. (A method similar to that of decorating a Ukrainian Easter egg.) A far cry from fast fashion, a fine piece of batik could take anywhere from a few weeks to a year to create, which meant that high end batik fabric was only accessible to the elite. In the 19th century, copper wax stamps like this, known as caps, helped speed up the process and lower the price of textiles to compete with cheap European imports. Batiks are still woven into the everyday fabric of Indonesian life today, including celebrations of marriage or pregnancy. Some royal batiks are even thrown into volcanoes during ceremonies to prevent eruptions. You can celebrate this cultural tradition every year on Oct. 2, International Batik Day, which marks the anniversary of UNESCO declaring Indonesian batik a part of humanity's intangible heritage.



LOTUS SHOES

Guangdong style, ca. 1890-1910. China

These Chinese shoes are small enough to fit in the palm of your hand. So, how could they fit the feet of a grown woman? For more than a thousand years in China, some mothers and grandmothers would begin tightly binding the feet of girls as young as four years old. The ultimate goal of this painful process was to deform feet to a mere 7.6 centimetres long, roughly the length of your thumb. These were called "golden lotus" feet for their pointed lotus bud shape. Though few achieved this ideal, women would go to extreme lengths trying, despite the fact that foot binding could limit a woman's mobility and lead to a slew of health issues like

