

# 2016-2017 PBSC-UVic Project List

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## Access to Justice

### Project 16-01: An Introductory Analysis for the ACE Justice Integration Project

**Project Type:** Legal Research, Interdisciplinary Research

#### *Organization: University of Victoria Access to Justice Centre for Excellence (ACE)*

The University of Victoria Faculty of Law established the Access to Justice Centre for Excellence (ACE) in response to the growing concern within the justice community regarding the access to justice crisis. ACE was devised after the release of the Canadian Bar Association's Equal Justice report in December, 2013. This report proposed that each Canadian law school should establish centres of excellence for access to justice research by 2030. Given the growing severity of the access problem and the very costly and destructive consequences that flow from unmet legal needs in our communities, the Centre will seek to support a justice reform culture that is bold, innovative and open to experimentation.

**Area of Law:** Access to Justice; Interdisciplinary

**Project Details:** The Introductory Analysis project will identify the work that has been done in other disciplines that intersects with law to help inform further coordinated research for the Access to Justice Centre for Excellence's *Justice Integration* project.

ACE's Justice Integration project will look to how the legal problems that people experience are intertwined with and embedded in layers of social, personal, economic and health problems. Often legal problems cannot be adequately addressed without taking into account the non-legal dimensions of a client's experience.

Students may choose or will be provided with a discipline – e.g. social work, sociology, health – and asked to find studies and articles on the intersection of law and the discipline – e.g. homelessness and contact with the justice system, health and family law issues. The organization supervisor will work with the students to identify an area of research, and assess a reasonable scope for their research endeavors. After conducting a thorough literature review of the intersections between law and the discipline identified, the students will create a summary of their findings and provide thoughts on what this may mean for further research, for metrics, etc.

These summaries will be used by ACE to help strategize for their work on the *Justice Integration* project.

**Required:** 2-3 students (possibly 1 Volunteer Project Coordinator). Background in research is an asset.

Students will be expected to attend a session on journal research facilitated by ACE in the library. The date of the session will be coordinated between students and the organization supervisor.

**Lawyer Supervisor Plan:** Kathryn Thomson, a doctoral student in Law at the University of Victoria and practicing lawyer for 25 years, will be acting as Organization Supervisor and Lawyer Supervisor. She will work with students to identify areas of study, suggest the scope of their work, and monitor the research process.

Kathryn will review the summary papers before their distribution to ACE.

### Project 16-02: Find an Advocate: Access to Justice Initiative

**Project Type:** Legal Research

#### *Organization: PovNet Society*

PovNet provides online tools that facilitate communication, community and access to information around poverty-related issues in British Columbia and Canada. PovNet works to collect relevant news and resources of use to advocates, community workers, marginalized communities and the general public.

**Area of Law:** Access to Justice; Poverty Law



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**Project Details:** On PovNet's homepage (<http://www.povnet.org/>) is a resource called "Find an Advocate". This is a publicly accessible interactive map tool which allows site visitors to access not-for-profit services in their area as part of an access to justice initiative. This map is used by both the public and service providers. This tool has always ranked highly and is one of the most visited pages PovNet hosts. However, with limited resources, it has been a challenge to review the information for accuracy and as a result PovNet has received reports that listings are out of date. This can lead to anxiety and frustration for users who contact the service providers, organizations, and other resources listed. Students will be tasked with updating the information found in the "Find an Advocate" resource, by contacting the resources and assessing any changes to the basic information and the service(s) provided. Students will also ask each resource if they can suggest any other resources that are not currently be listed. Students will then follow up with leads and assess their strength and appropriateness. PovNet works closely with Clicklaw and this project may involve some collaboration and discussions with them. This project welcomes an innovative mind to help make this tool operate at its full potential. Students will also work on categorizing the resources into specific areas of law, such as welfare, family law, tenancy and human rights, to help improve the streamlining of the tool. Students will construct complete, yet concise summaries of each resource/organization/service that will include: the communities served, the area of legal focus, and whether it offers legal information, summary advice, or full representation. Students will get to engage with advocacy groups from different areas of law, and build more complete legal descriptions of each service for the "Find an Advocate" tool. PovNet also wants to develop a database where the information can be stored for a more streamlined review process in the future.

**Required:** 2 students

**Lawyer Supervisor Plan:** Alison Ward, a practicing lawyer at the Community Legal Assistance Society, will supervise students and help draft a workplan, be available to guide research ,and approve all written student work before final submission. She will be available by e-mail, phone, and skype, as she works out of Vancouver.

## **Criminal Law:**

### **Project 16-03: Consent and Sexual Assault in the Context of Canadian Prostitution Laws**

#### **Trigger Warning, Sexualized Violence**

**Project Type:** Legal Research, Public Legal Education

#### **Organization: Peers Victoria Resources Society**

Peers Society provides support, resources, and programs specifically for past and current sex workers of any gender. The organization also offers assistance with housing, training and volunteering opportunities, as well as advocacy and public education around the issue of adult sex work.

**Area of Law:** Criminal Law

**Project Details:** The student will prepare a plain language summary presenting the legal analysis of consent at law for the purposes of sexual assault. The student will consider the particular implications and challenges regarding consent and sexual assault in the context of sex work, where the Criminal Code's treatment of prostitution renders sex workers vulnerable in terms of stigma; through reduced credibility with respect to "he said-she said" evidence of consent; and circumstance, where sex work transactions occur away from public view. The student will describe the key elements needed to establish the absence of consent, including the reasonable steps standard, the affirmative consent requirement, no advanced consent, etc. The student will then summarize the process for bringing a charge of sexual assault via a system navigation guide. The materials will



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be prepared and tailored for Peers Victoria clients. Students may conduct an information session for the Peers Indoor Workers Education Group on their research. The student will refer to legislation and case law.

**Required:** 1-2 students. Students should expect to attend one Indoor Workers Group session at the end of the project to present their work, although this is not guaranteed. If the students do present, they will undertake specific training in the form of a group or individual Sex Work 101 Education Session. Students will be expected to review the Sex Work 101 resources on the Peers Victoria website prior to beginning their work. Students are also strongly encouraged to participate in one or two shifts (either night outreach or daytime drop in).

**Lawyer Supervisor Plan:** The lawyer supervisor, Brad Weldon, will help students draft a workplan, guide student research, answer any student questions, and approve all written student work before final submission. Brad Weldon is a member of Peers Society's Board of Directors, and has worked with PBSC in partnership with Peers Society on past projects.

## Indigenous Law

### Project 16-04: Legal Land Rights & Remedies Plain Language Manual (To be used for RAVEN's Educational Program Initiative)

**Project Type:** Legal Research, Indigenous Law Research

#### *Organization: RAVEN (Respecting Aboriginal Values and Environmental Needs)*

RAVEN's vision is a country that embraces the ancestral laws of Indigenous Peoples and their equitable access to the justice system within a thriving natural habitat. RAVEN's mission is to raise legal defence funds to assist First Nations who enforce their rights and title to protect their traditional territories. RAVEN collaborates with Indigenous Peoples to help eliminate environmental racism and foster a greater understanding of indigenous rights and governance.

**Area of Law:** Indigenous Law; Property Law; Constitutional Law; Environmental Law

**Project Details:** RAVEN's educational mandate is to provide information on the legal rights and remedies available to Indigenous peoples in Canada. For this project, students will prepare a Legal Land Rights & Remedies Plain Language Manual to be made available to Indigenous clients and community leaders in B.C. It will contribute to RAVEN's educational mandate by summarizing Indigenous land rights and remedies in British Columbia in a clear and culturally safe way.

Students will conduct research of case law, current and pending legislation, and other relevant resources to produce a plain language manual on the legal rights and remedies available to Indigenous peoples in Canada. Indigenous leaders will have the option of disseminating the legal information contained in the manual to other community members in which ever mode they feel appropriate. In addition, pro bono students will produce a plain language flyer to promote the manual.

RAVEN will conduct preliminary consultation with Indigenous partners to help direct students in preparing the plain language pamphlet.

**Required:** 3-4 students including 1 Volunteer Project Coordinator. Preference will be given to students who have taken John Borrows' Indigenous Lands, Rights and Governance class, and/or Indigenous and/or Aboriginal Law training. Students must familiarize themselves with RAVEN's Mission and Vision, and read the Truth and Reconciliation Report prior to beginning the substantive components of their work.

**Lawyer Supervisor Plan:** This project will be co-supervised by two lawyers: Georgia Lloyd-Smith is Staff Counsel at West Coast Environmental Law. There, she is a part of the Aboriginal and Natural Resources law



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team. Erin Gray is an UVic Law Alumna, and winner of many awards in the area of Environmental law. Erin recently articulated with Devlin Gailus. Georgia and Erin will both be supervising the students and will help develop the workplan, answer questions, and review the materials prepared by the students.

## Project 16-05: The Partner Application Form and Evaluation Project

**Project Type:** Legal Research

### *Organization: RAVEN (Respecting Aboriginal Values and Environmental Needs)*

RAVEN's vision is a country that embraces the ancestral laws of Indigenous Peoples and their equitable access to the justice system within a thriving natural habitat. RAVEN's mission is to raise legal defence funds to assist First Nations who enforce their rights and title to protect their traditional territories. RAVEN collaborates with Indigenous Peoples to help eliminate environmental racism and foster a greater understanding of indigenous rights and governance.

**Area of Law:** Indigenous Law; Constitutional Law

**Project Details:** This project has two components:

- a) RAVEN receives many new requests to partner for Campaigns every year. In order to identify appropriate possible partners, RAVEN requires a Partner Application Form that applicants can use to easily summarize their issue or claim. The student will build on the current Application draft to create a clear, complete, and effective Partner Application Form. This Application Form will be used during the community partner review process.

The Application will include the six criteria for selecting Campaigns:

1. legal precedence
2. environmental legacy
3. RAVEN's Mission
4. feasibility
5. community support
6. RAVEN's joint fundraising protocol

The Application will also include any other legally relevant information that students identify from their research. The students will research in detail the six criteria, to ensure the Application takes into consideration relevant and recent case law, legislation, and Indigenous and environmental contexts. The student will then prepare a draft Partner Application Form to be used during the community partner intake process.

- b) Students will also be asked to prepare an evaluation tool to help the Legal Advisory Panel assess the strength of the claim outlined in the Partner Application. This document should help with efficiency, fairness, and be based on precedent cases and current legislation.

**Required:** 2 students. Students with Indigenous and/or Aboriginal Law training will be given preference. Research experience will be considered an asset. Students with an interest or experience in environmental law and/or Indigenous law will be given preference. Students must familiarize themselves with RAVEN's Mission and Vision, and read the Truth and Reconciliation Report prior to beginning the substantive components of their work.

**Lawyer Supervisor Plan:** This project will be co-supervised by two lawyers: Georgia Lloyd-Smith is Staff Counsel at West Coast Environmental Law. There, she is a part of the Aboriginal and Natural Resources law team. Erin Gray is an UVic Law Alumna, and winner of many awards in the area of Environmental law. Erin recently articulated with Devlin Gailus. Georgia and Erin will both be supervising the students and will help develop the workplan, answer questions, and review the materials prepared by the students.



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## Project 16-06: Indigenous Law Summary Resource and Methodology Summary Resource

**Project Type:** Indigenous Law Legal Research

**Organization:** *Indigenous Law Research Unit*

**Area of Law:** Indigenous Law; Constitutional Law

**Project Details:** The students will work closely with the Indigenous Law Research Unit to prepare two resources for the Unit's use. This project has 2 components:

- 1) The Indigenous Law Summary Resource will:
  - Describe in plain language what Indigenous Law is
  - Describe the function and work of the Indigenous Law Research unit
  - A brief introduction to the methodological approach of the ILRU
  - The application of Indigenous law to legal issues

This resource will be made available to the public in general to help with the dissemination of Indigenous Law, and what a partnership with the Unit may look like. Students will work closely with the Unit to review existing materials and conduct research to create a clear, concise, yet complete introduction to Indigenous Law and its practices.

- 2) The Methodology Summary Resource will:
  - Describe the methodological process of the ILRU with Indigenous Law practices in plain language.
  - This will include summarizing the steps of the process: Identifying a question, creating a case brief, identifying a framework and reporting the findings.

This resource will be made available to ILRU stakeholders. The purpose of the resource will be to help with the understanding of the Indigenous Law process as the ILRU. Students will work closely with the Unit to review existing materials and conduct research to create a clear, concise, yet complete introduction to the ILRU's methodological approach.

**Required:** 2-3 students (possibly 1 Volunteer Project Coordinator). Preference will be given to students who took the Indigenous Law Research Intensive, and/or have experience with Indigenous law research methodology.

**Lawyer Supervisor Plan:** Lawyer Supervisor, Alan Hanna, will work in collaboration with the ILRU to help the students prepare a workplan, to guide the students with their legal research, and to review the deliverables before their use and distribution. Alan Hanna practices with Woodward & Company LLP, in Vancouver. His areas of interest include: Indigenous legal traditions, First Nations jurisdiction, rights and title, environmental protection and sustainability, social justice in reconciling settler society with First Nations, and advocating for animals.

## Law and Disability

### Project 16-07: Disability Discrepancies

**Project Type:** Legal Research

**Organization:** *Together Against Poverty Society (TAPS)*

TAPS is a not-for-profit organization in Victoria providing free, face-to-face legal advocacy for people with income assistance, disability benefits and tenancy issues.

**Area of Law:** Law & Disability; Poverty Law; Law, Legislation & Policy





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**Project Details:** The first part of this project is to research and create a document that outlines the differences in the legislative requirements for eligibility that govern the Provincial Persons with Disabilities Benefits, Federal CPP-D and the Disability Tax Credit, as all three have different definitions of disability and different considerations for eligibility. The second part of the project would involve contacting and informing TAPS clients of these differences.

**Required:** 2 students with non-judgmental attitudes. Students must be prepared to spend their volunteer hours for the second part of the project at the TAPS office. The specific times will be negotiated with the students.

**Lawyer Supervisor Plan:** Students will be supervised directly by the lawyer supervisor, Lisa Cowan, who will be available to help the students draft a workplan and review student work.

## Family Law

### Project 16-08: LiveHelp Project

**Project Type:** Clinical Project; Client Assistance

**Organization:** *Legal Services Society of British Columbia*

The Legal Services Society (LSS) is a non-profit organization created by the LSS Act in 1979 to provide legal information, advice, and representation services to people with low incomes.

**Area of Law:** Family Law

**Project Details:** LiveHelp is an instant messaging service that the LSS has added to their Family Law Website (FLWS) so clients can ask questions and receive legal information online regarding family law issues in general as well as how to access information on the FLWS in particular. Students involved in this project will provide remote online support to staff at LiveHelp and research support to update, revise and continue to expand the Frequently Asked Questions (FAQ) information database.

**Required:** 4-5 students with 1 Volunteer Project Coordinator. Students are expected to be available for a regular set time period each week agreed upon by LSS and the student. Students must attend the project briefing and application training necessary to work on LiveHelp (this can be done remotely). Students must own or have access to a computer and an internet connection for the times they would be working on the project

**Lawyer Supervisor Plan:** Student volunteers will be supervised by Manjeet Chana, a lawyer for the Legal Services Society, who will provide on-the-task training, regular check-ins and guidance on legal concepts, legislation, regulations and best practices in family law matters as required.

**Project 16-09: New Country Research for International Adoptions; development of country-specific information (for agency website).**

**Project Type:** Legal Research

**Organization:** *Choices Adoption and Counselling Services*

Choices is a non-profit, non-sectarian licensed adoption agency that offers a range of services to birth parents and adoptive parents throughout British Columbia.

**Area of Law:** Family Law; Law, Legislation & Policy

**Project Details:** Building on the New Country Research Template created by previous volunteer placements, the student volunteers will conduct research to determine the feasibility of the Agency taking the step to open adoption arrangements with new partner countries. This research will involve thorough investigation of the legislation, policies, regulations, procedures and adoption customs of each new potential country, as well as an



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examination of international conventions relating to child protection, kidnapping, trafficking and immigration. The students will create information binders of each country for which they are assigned research, outlining all steps taken and all resources reviewed in reaching their recommendation on whether to move ahead.

Each student will be assigned one specific country to thoroughly research focusing on the potential for BC families to apply to adopt a child or children from the country in question. Website material for the specific country, if deemed a feasible option, will be created by the student for inclusion on the agency's website.

**Required:** 2 students. Students must schedule and attend an Onsite Orientation.

**Lawyer Supervisor Plan:** Students will work under the supervision of Karen Henry at West Coast Family Law, who will provide guidance for their research, feedback on drafts, and final approval of all student work. Karen Henry works with CHOICES Adoption, and has worked on past projects for CHOICES in partnership with PBSC.

### Project 16-10: Directions in Parenting Coordination

**Project Type:** Legal Research

#### *Organization: Communica Dialogue and Resolution Services Society*

Communica helps individuals, groups and communities to resolve conflict by providing information and referrals, arbitration, coaching, mediation, facilitation and community training.

**Area of Law:** Family Law

**Project Details:** Parenting Coordination was “ON TRIAL” in the BC Court of Appeal in 2014 (Fleetwood v. Percival), as to whether the courts can order parents to work with a PC if one of the parents objects. There have been other discussions going forward about the role of Parenting Coordination under the Family Law Act, and the costs and effectiveness of Parenting Coordination. This is an area in which a growth of jurisprudence is likely to occur.

Students will perform legal research and interviews of a cross section of Family Court Judges, Family Law Lawyers and Parenting Coordinators concerning Parenting Coordination, focusing on the questions:

- How is Parenting Coordination currently being used by the Courts in BC? In the rest of Canada? In other jurisdictions?
- How is Parenting Coordination seen by Family Law Lawyers?
- What are the major concerns about Parenting Coordination within the Courts? (for example, in regards to the PC's mandate)
- How effective is Parenting Coordination at keeping families' Family Law issues away from litigation?
- How effective is Parenting Coordination at building parents' capacity for improved communication/behaviour?

Students will prepare a research memo outlining their findings.

**Required:** 2-3 (possibly 1 Volunteer Project Coordinator). Students are welcome and encouraged to attend any Communica workshops free of charge. An interest in Family Law and/or Parenting Coordination would be considered an asset.

**Lawyer Supervisor Plan:** Teri Rodgers will act as the lawyer supervisor and will help the students prepare a workplan, guide research, review all written work, and give her final approval on the completed work.



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## Poverty Law

### Project 16-11: Tenant Advocacy Project Assistant

**Project Type:** Clinical Project; Client Intake

*Organization: Together Against Poverty Society (TAPS)*

TAPS is a not-for-profit organization in Victoria providing free, face-to-face legal advocacy for people with income assistance, disability benefits and tenancy issues.

**Area of Law:** Poverty Law; Residential Tenancy Law

**Project Details:** The student volunteer will assist the Tenant Advocacy Project by providing direct client services under close lawyer and advocate supervision. This will include providing legal information for tenants about the BC Residential Tenancy Act and other applicable legislation, and assisting with legal advocacy on behalf of clients at Residential Tenancy Branch dispute resolution hearings.

**Required:** 1 upper year student. The student will negotiate a set time to volunteer weekly at the TAPS office.

**Lawyer Supervisor Plan:** Students will be supervised directly by the lawyer supervisor, Lisa Cowan, who will be available to help the students draft a workplan and review student work.

## Business Law

### Project 16-12: Legal Perspectives on Shareholder Agreement Forms: What? When? How?

**Project Type:** Legal Research, Public Legal Education

*Organization: Victoria Advanced Technology Council (VIATeC)*

The Victoria Advanced Technology Council (VIATeC) is a non-profit society that exists to connect people, knowledge and resources in order to grow a successful technology sector in the Victoria area.

**Area of Law:** Business Law; Contract Law

**Project Details:** With the tech boom, many new tech companies are starting up. When new technology companies are formed they often enter into shareholder agreements. Some tech companies use precedents online, or enter into shareholder agreements where they are unnecessary, or neglect to enter into an agreement at all. New tech companies need to understand the legal implications of entering into a shareholder agreement, when it is appropriate or necessary, what provisions to be aware of, and the best practices for preparing an agreement. Students will conduct a legal review of the different probabilities, possibilities, provisions, standards, approaches and best practices for new technology companies considering entering into shareholder agreements. Students will research areas of interest including: partnership development, reverse vesting, amendments, and more.

Students will prepare a research memo of their findings and present to a client group at the end of the academic year.

**Required:** 3 including 1 Volunteer Project Coordinator

**Lawyer Supervisor Plan:** Students will be supervised by Sarah Cunningham from Reed Pope. She will assist students in creating their workplan, dividing work among the student volunteers, clarifying complex areas, and



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guiding research throughout the year. All completed work will be approved by Sarah, and students will be required to give their completed presentation to her before presenting to the public.

## Privacy Law

### Project 16-13: Legal Perspectives on Data Breaches, Privacy and Business Liability

**Project Type:** Legal Research, Public Legal Education

*Organization: Victoria Advanced Technology Council (VIATeC)*

The Victoria Advanced Technology Council (VIATeC) is a non-profit society that exists to connect people, knowledge and resources in order to grow a successful technology sector in the Victoria area.

**Area of Law:** Privacy Law; Business Law

**Project Details:** Data Protection breaches can result in fines and other penalties. Students will identify current legal and regulatory developments to information and security standards in the context of data collection, storage, and distribution. This project will involve researching legislation and laws surrounding data breaches, privacy rights, and privacy-related liability policies for tech companies. Students will review the Personal Information Protection and Electronic Documents Act (PIPEDA), the E.U. General Data Protection Regulation, MSA resources, and other relevant legislations and laws.

Students will prepare a research memo of their findings and present to a client group at the end of the academic year.

**Required:** 2-3 students (possibly 1 Volunteer Project Coordinator)

**Lawyer Supervisor Plan:** Students will be supervised by Sarah Cunningham from Reed Pope. She will assist students in creating their workplan, dividing work among the student volunteers, clarifying complex areas, and guiding research throughout the year. All completed work will be approved by Sarah, and students will be required to give their completed presentation to her before presenting to the public.

## Human Rights Law

### Project 16-14: Human Rights Analysis of Rental Housing law in the context of poverty and systemic discrimination in Yukon.

**Project Type:** Legal Research

*Organization: The Yukon Human Rights Commission*

The Yukon Human Rights Commission promotes equality and diversity through research, education and enforcement of the Yukon Human Rights Act.

**Area of Law:** Human Rights Law; Property Law

**Project Details:** Critical human rights analysis of rental housing law, in context of poverty and systemic discrimination issues in Yukon, specific attention to discriminatory rental practices and public education materials to combat systemic discrimination in housing. Each student will be given an area of discrimination to research (family status, age, criminal record, etc), and will work together to create a research memo

summarizing their findings. The students will then prepare plain language materials that are consistent with the Commission's current materials, to be distributed to community members.

**Required:** 3-4 students including 1 Volunteer Project Coordinator. Students must participate in a 1.5 training phone meeting with the organization and lawyer supervisor. Further training materials will be provided.

**Lawyer Supervisor Plan:** The Commission will be providing a Lawyer Supervisor for this project. Further details will be available soon.

### Project 16-15: Civil Liberties Rights Watch Blog

**Project Type:** Legal Research

#### *Organization: Canadian Civil Liberties Association (CCLA)*

The Canadian Civil Liberties Association (CCLA) is a national organization with a mandate to promote respect for, and observance of, fundamental human rights and civil liberties, and to defend, extend and foster recognition of those rights and liberties.

**Area of Law:** Human Rights Law

**Project Details:** There are two distinct aspects of the RightsWatch project:

- 1) Students' primary responsibility will be to monitor an assigned area (e.g. courts in Ontario; legislature in Quebec; US Supreme Court, etc.) and post to the RightsWatch blog
  - a. Students will be trained on technical aspects of using the blogging software and receive training from experienced counsel on the legal pitfalls of blogging
  - b. Monitoring should be done on a weekly basis; students are provided with a comprehensive monitoring guide providing tips for ensuring they stay up-to-date on their assigned area. Monitoring may include researching recent Canadian court decisions, reaching out to civil society players in the community, and following local media. Where the project supervisor so advises, some students will monitor developments at the European Court of Human Rights, at the Inter-American Court of Human Rights, and at the UN Human Rights Commission. Some students could also be asked to monitor courts in the U.S., UK, and some other foreign jurisdictions to report on significant developments there which have relevance to the Canadian perspective (e.g. surveillance).
  - c. Students who find that their assigned area is 'slow' or that there is an absence of interesting issues, should contact the Project Supervisor, Emma McAuliffe ([EMcAuliffe@ccla.org](mailto:EMcAuliffe@ccla.org)) to discuss changing the assignment area.
  - d. Students are **required to post to the blog once weekly**. Posts can be brief (approx. 200-400 words) and include links to relevant source material (cases, legislation, news articles, etc)
  - e. Periodically CCLA staff may specifically ask students to blog on a particular issue or story
  - f. Students are encouraged to comment on each other's blog posts to start a dialogue on civil liberties issues. Students do not have to agree with, or reflect, CCLA's stance on issues to participate in this project, however every blog post **must** contain a disclaimer stating: *This blog post was written by a CCLA-PBSC RightsWatch student. Views expressed do not necessarily reflect the views of the CCLA or PBSC.*
- 2) Students will participate in four civil liberties "intensives" over the course of the academic year, in conjunction with CCLA Talk Rights students. During these online sessions students will have exclusive access to leading practitioners on different civil liberties topics. The sessions will be no more than one hour



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in length. **Students are required to attend at least three of the four sessions over the course of the year.** Efforts will be made to accommodate students' schedules.

Students are expected to take the initiative in posting to the blog. CCLA will engage with students throughout the year to remind them of their obligations as participants in this project.

**Required:** 2 students. Students selected for this project must be available for an online training session to be held at 12:00 p.m. EST on Wednesday, October 5th, OR 3:00 p.m. EST on Thursday October 6th. This training session will be 2 hours. Students will be required to participate in three of four civil liberties “intensives” session over the course of the academic year, in conjunction with CCLA Talk Rights students. During these online sessions students will have exclusive access to leading practitioners on different civil liberties topics. The sessions will be no more than one hour in length. Students selected for this project should be self-motivated, engaged with current events and/or politics, enjoy writing and perhaps have some experience doing so in an online environment.

**Lawyer Supervisor Plan:** The project is operated by the PBSC National Office in partnership with the chapters and CCLA. Teams of two students at each PBSC chapter will be assigned lawyer supervisors (likely an academic at their faculty or a local practitioner) to whom they can ask questions. Cara Zwibel, Director of CCLA's Fundamental Freedoms Program, is the overall Project Supervisor. Although Cara is formally also the Lawyer Supervisor for the project, substantive legal questions from the students with respect to their blog content should first be directed to the local mentor assigned to the student.

### **Project 16-16: Provincial prison policy regarding Transgender people and its potential to violate the Human Rights Code**

**Project Type:** Legal research, Policy Paper

#### **Organization:** *Vancouver Island Human Rights Coalition*

The Vancouver Island Human Rights Coalition is a non-profit community organization with a mission to promote and strengthen local human rights in BC through advocacy, research, education, and by connecting people with resources.

**Area of Law:** Human Rights Law, Criminal Law

**Project Details:** The BC Corrections Adult Custody Division has outlined their latest policy (amended in November, 2015), regarding transgender peoples as such: BC Adult Custody Policy s. 9.17 stated: "transgender inmates are placed in a correctional centre according to their self-identified gender or housing preference; unless there are overriding health and/or safety concerns which cannot be resolved ." The underlined portion is broad enough to warrant some pointed questions:

- Who determines these risks: The individual facility or an independent body?
- What are examples of health and safety concerns?
- Does it depend on where an individual is in their transition (if transitioning)?
- If selective, under whose authority is it to make those decisions?

Students will conduct research and create a legal summary and/or policy paper outlining the current understanding/interpretation of s. 9.17 in law.

**Required:** 2-3 students (possibly 1 Volunteer Project Coordinator). Experience with research/writing/editing, particularly policy documents, will be considered a strong asset. Students with experience with Human Rights Law will be given preference.

**Lawyer Supervisor Plan:** Dana Quantz with Hutchinson Oss-Cech Marlett, will be act as lawyer supervisor for this project. He will be available to answer any questions the students may have throughout the year, help guide



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research efforts, and will sign off on all written material before it is submitted to the organization and printed/posted online. Dana is a board member of VIHRCs and regularly represents clients at the BC Supreme Court, Human Rights Tribunal, and Workers' Compensation Appeal Tribunal.

## Intellectual Property Law

### Project 16-17: Intellectual Property Regime for Canadian Musicians

**Project Type:** Legal Research

**Organization:** *Musicians' Association of Victoria & the Islands, CFM Local 247*

The Musicians Association of Victoria & the Islands (MAVI) is a branch of the Canadian Federation of Musicians. MAVI seeks to improve working conditions of musicians by providing a collective voice for musicians, offering services to persons working in the local music industry, and monitoring government activities and law.

**Area of Law:** Intellectual Property Law; Entertainment Law

**Project Details:** Students will build upon the research and presentation undertaken by the students of the preceding year. They will develop a comprehensive logic diagram (decision tree, flow chart) that incorporates the various music industry entities, their interrelationships, and variables as identified by the previous year students. The end product could manifest as a large poster and/or a handbook. Depending upon the students' internet skills, the diagram/handbook could be in electronic form and the various nodes of the diagram could be hot-links to the music industry entity internet sites or to deeper descriptions of the nodes or decision outcomes. The end-users of this project's deliverable(s) will be musicians.

**Required:** 3-4 students including 1 Volunteer Project Coordinator

**Lawyer Supervisor Plan:** Douglas Thompson, partner of Thompson Cooper LLP, is a musician himself, as well as a widely experienced Intellectual Property lawyer. He has been very involved in this project from its inception. Douglas Thompson will directly guide the students' research, and will review and approve of all research before the deliverable is handed to MAVI for distribution to its membership.

## Charity Law

### Project 16-18: Employee, Intern and Volunteer Rights and Best Practices: HR Manual

**Project Type:** Legal Research

**Organization:** *Anawim House*

Anawim House is a not-for-profit Men's Transition House, with a seven-bed capacity. Anawim House also provides daily meal and shower services, emotional, social support and spiritual support with a Christian foundation, but welcoming of all beliefs and creeds.

**Area of Law:** Charity Law; Employment & Labour Law; Law, Legislation & Policy

**Project Details:** The project has two components:

- 1) Risk Management and Liability: Students will research and draft a plain language memorandum on the rights and obligations of not-for-profits towards unpaid internships in British Columbia. What do non-profits need to know about the legal definition of an "Intern"? What liability issues may arise specifically with interns? What distinction can be made between internships and volunteer opportunities?

Students will refer to case law, labour standards, Employment Standards Act, and other relevant legislation.

- 2) **Rights:** Students will research and prepare plain language memorandum of current HR Policies and Employment Legislation for volunteers. The emphasis of the memorandum will be volunteer rights and best practices. Organizations that engage volunteers have specific legal and moral obligations to their community, clients, staff and volunteers. Are volunteers treated as paid employees, under specific laws? Do organizations have the same obligations to volunteers as employers do to paid employees? Topics will include: application forms, terminations/dismissals, hiring practices, and workplace harassment. Students will also help with the crafting of a plain language HR Manual for internal use. Students may look to the 2012 Edition of the Screening Handbook: Tools and Resources for the Voluntary Sector

**Required:** 3-4 students including 1 Volunteer Project Coordinator. Students must participate in the mandatory Initial Anawim House meeting, tour, walk-through.

**Lawyer Supervisor Plan:** The Lawyer Supervisor, Michael Nienhuis with McCarthy Tetrault, will supervise students remotely from his office in Vancouver. Michael worked on the Anawim House projects last year, and is familiar with the organization. He will help guide the students through the research process, and review the students' work prior to it being delivered to Anawim.

### Project 16-19: Confidentiality Policies for Small Non-Profits

**Project Type:** Legal Research

#### *Organization: Anawim House*

Anawim House is a not-for-profit Men's Transition House, with a seven-bed capacity. Anawim House also provides daily meal and shower services, emotional, social support and spiritual support with a Christian foundation, but welcoming of all beliefs and creeds.

**Area of Law:** Charity Law; Privacy Law; Employment & Labour Law

**Project Details:** Students will research and draft a plain language memorandum on best practices and possible legal issues surrounding confidentiality and clients, volunteers, staff, and board members in the context of Anawim House's services. Areas of research will include: intake forms, internal and external information sharing, and disclosure responsibilities. Students will also research and prepare a plain language pamphlet for Anawim house staff and volunteers that will provide information on current confidentiality legislation and laws pertaining to the Not-For-Profit sector. Students will refer to case-law (The duty of loyalty for example), the Freedom of Information and Protection of Privacy Act, and any other relevant Federal and Provincial legislation.

**Required:** 2 students. Students must participate in the mandatory Initial Anawim House meeting, tour, walk-through.

**Lawyer Supervisor Plan:** The Lawyer Supervisor, Michael Nienhuis with McCarthy Tetrault, will supervise students remotely from his office in Vancouver. Michael worked on the Anawim House projects last year, and is familiar with the organization. He will help guide the students through the research process, and review the students' work prior to it being delivered to Anawim.

### Project 16-20: BC Societies Act: Transition Application

**Project type:** Legal Research, Client Assistance





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**Organization:** *Volunteer Victoria Society*

Providing leadership to the non-profit community since 1974, Volunteer Victoria is the primary recruitment and referral centre for the Greater Victoria Region. Guided by the principles of civil society, they enrich the quality of life in our community through volunteer involvement.

**Area of Law:** Charity Law; Law, Legislation & Policy

**Project Details:** On November 28, 2016 the new BC Societies Act will come into force. All non-profit societies will have 2 years to submit their transition application to BC Corporate Registry Services to remain compliant. As society's re-write their Constitution and by-laws many board members will have questions about how they transition and the consequences of changing or not their by-laws. Students will attend a 2-hour training to introduce them to the Act. Then students will be given time to conduct independent research and create, in collaboration with Volunteer Victoria, a "common questions" FAQ. Once this has been done, students will provide information to non-profits either in person at VV, or over the phone.

This project will provide client support to non-profit societies as they complete their transition application.

**Required:** 2-4 students (possibly 1 Volunteer Project Coordinator). Students must participate in the mandatory training in the new BC Societies Act at Volunteer Victoria.

**Lawyer Supervisor Plan:** The lawyer supervisor for this project will be Jo McFetridge, a partner at Breakwater Law. She will help the students prepare a workplan, guide research, and review the students' work before it is submitted. She will also monitor the work of students when they work with clients.

**Project 16-21: Review of Societies Act & VRKS Bylaws**

**Project Type:** Legal Research

**Organization:** *Victoria Rainbow Kitchen Society*

The Rainbow Kitchen provides a nutritious hot lunch to approximately 125-140 people each day, 5 days a week, 52 weeks a year. Aside from providing nourishment to impoverished and marginalized individuals and families, Rainbow Kitchen emphasizes the impact conversation and unity can have in the lives of individuals in our community who otherwise have little opportunity for personal interaction in their day.

**Area of Law:** Charity Law

**Project Details:** To review the new BC Societies Act and to determine what may need to be added/reviewed based on the current VRKS Societies Act and our current bylaws.

**Required:** 2 students

**Lawyer Supervisor Plan:** Doug Macfarlane, lawyer at Johns Southward Glazier Walton & Margetts, will serve as lawyer supervisor for this placement. The supervising lawyer will assist the students in creating a work plan. He will then guide research efforts by the students, offer feedback and assistance throughout, and review all written materials produced by the students before submission to the organization.

**Project 16-22: Charitable Organizations Offering Services for a Fee: A Legal Analysis**

**Project Type:** Legal Research

**Organization:** *Land Trust Alliance*

**Area of Law:** Charity Law; Risk Management



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**Project Details:** Students will research the legal landscape surrounding non-profit organizations conducting services for money and create a summary of legal information surrounding the topic. Some questions students will consider include:

- a) Whether a charity can charge a fee for a service, or whether they can only accept a donation.
- b) If the latter, whether that donation amount can be specified or does that amount have to be completely voluntary.
- c) Whether a donation given in exchange for a service is eligible for a tax receipt? (Look to CRA rules)
- d) Does the CRA have a threshold for “fee for service income” or donations that a charity cannot exceed (% of annual revenues for example)?
- e) Whether the service provided would have to be directly listed in the organization’s purpose statement.
- f) If there are Canadian charities that are providing services for a specific donation amount, who, and what are the surrounding circumstances? Provide examples.
- g) What, if any, tax consequences for the charity may exist for funds accrued this way?

**Required:** 2 students

**Lawyer Supervisor Plan:** The lawyer supervisor, Deborah Curran, will help students draft a workplan, guide student research, answer any student questions, and approve all written student work before final submission. Kathryn Chan will also contribute to this process as a secondary resource.

## Employment and Labour Law

### Project 16-23: Employment & Labour Law Education Sessions

**Project Type:** Legal Research, Public Legal Education

*Organization: The Town of Qualicum Beach*

**Area of Law:** Employment and Labour Law

**Project Details:** The Town of Qualicum Beach went through a labour dispute in August 2015 after collective bargaining reached an impasse. As part of the relationship rebuilding process, it was discovered by employees and managers alike that employees lacked understanding of the legal aspects of the employment relationship and the legalities around collective bargaining. Employees requested additional information to better understand this and hopefully prevent a recurrence in future. It was determined that a perceived neutral source was the best way to provide the information.

Education sessions should include the following topics:

- The contractual relationship between employer and employee
- Obligations of employer, employee, and union
- Explanation/exploration of the collective agreement being a legally-binding document
- Legal rules regarding collective bargaining, strike, and lock-out
- Real-life examples/cases, where applicable
- Resources for further information

**Required:** 1 upper year student. Preference will be given to a student with experience in Employment and Labour Law. The student must be prepared to travel to Qualicum Beach to conduct the presentation(s). Travel costs will be covered by the organization partner.

**Lawyer Supervisor Plan:** Chris Considine, partner of Considine & Company will serve as lawyer supervisor for this placement. He will assist the student in creating a work plan. He will then guide research, offer feedback,



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and review all written materials produced by the student before their submission and presentation to the citizens of Qualicum Beach.

### Project 16-24: Legal Summary of the Employment Insurance Program

**Project Type:** Legal Research; Public Legal Education

**Organization:** *Inter-Cultural Association of Greater Victoria*

The Inter-cultural Association offers services for immigrant and refugee newcomers, including settlement and integration counselling, translation and interpretation, English classes, mentoring, job search assistance and guidance, volunteer matching, and peer support

**Area of Law:** Employment and Labour Law; Immigration Law

**Project Details:** Building on existing resources, the students will research and present an education/information session of 2-hour duration for ICA staff members and newcomer clients on the Employment Insurance (EI) Program of BC.

The presentation will be designed to give new immigrants a basic understanding of EI and how it works. The presentation will address:

- qualifying requirements (insurable hours, qualifying periods, students)
- regular EI benefits
- medical benefits
- parental and maternity benefits
- need for timely application
- documents – ROE, medical reports
- appeals process

Areas of focus will be further defined and clarified between the students, ICA supervising staff member, and the supervising lawyer. The students will deliver the session to ICA clients and staff members in the presence of the supervising lawyer during the week of March 6, 2017.

**Required:** 2 students. Students must have experience with professional presentations, including PowerPoint and public speaking. Students must have Inter-cultural Competency and attend an initial orientation to ICA. Students must also attend a two hour sensitivity training session on interacting with vulnerable clients from a range of cultural, religious, and ethnic backgrounds.

**Lawyer Supervisor Plan:** Roxanne Helme at Green & Helme will help students draft a workplan for each semester, offer assistance and answer questions throughout the year, and approve all written work before submission to the organization. Students will be required to give presentations to the lawyer supervisor before presenting to the public, and if possible, the lawyer supervisor will be in attendance at the presentations.

### Alternate Dispute Resolution

#### Project 16-25: Choices in Alternative Dispute Resolution

**Project type:** Legal Research

**Organization:** *Communica Dialogue and Resolution Services Society*

Communica helps individuals, groups and communities to resolve conflict by providing information and referrals, arbitration, coaching, mediation, facilitation and community training.



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**Area of Law:** Alternate Dispute Resolution

**Project Details:** Students will perform a literature review and key informant interviews into the wide variety of alternate dispute resolution models currently available in British Columbia, including:

- Restorative Justice
- Interest Based Mediation
- Narrative Mediation
- Transformative Mediation
- Evaluative Mediation

The focus of this research is to discover the key characteristics of each of these forms of mediation, how they can be used by lawyers wishing to connect their clients to mediators, and the legal strengths and weaknesses of each.

Students will prepare a research memo or paper outlining the findings of the research (including literature review). Students will also create a graph or chart capturing the highlights of each of the diverse types of mediation on one page, so that a lawyer, client or lay person can readily decide which type of mediation will work best for them

**Required:** 2-3 students (possibly 1 Volunteer Project Coordinator)

**Lawyer Supervisor Plan:** Program Coordinator is working to identify the lawyer supervisor for this project.

## International Human Rights Law

### Project 16-26: Workshop on land confiscation in Karenni State: Materials for the Karenni Social Development Center in Thailand

**Project Type:** Legal Research

**Organization:** *Center for Asia-Pacific Initiatives*

The Centre conducts research on policy issues and builds relationships with universities and civil society organizations in the region. It holds international conferences and events and acts as a resource facility for the university and the wider community on this important and diverse part of the world.

**Area of Law:** International Law; Human Rights; Property Law; Customary Law in Northern Thailand

**Project Details:** The Karenni Social Development Center teaches legal empowerment subjects such as democracy, human rights, international law, as well as English and advocacy and research skills to students from the Karenni refugee camps near Nai Soi, Northern Thailand. Many of the Karenni people living in the refugee camps fled conflict in Karenni State, Burma over the last three decades. A significant issue in Karenni State is the Burmese military's confiscation of ancestral farmland from local villagers. Currently a UVic law student (Megan Presnail) is researching the issue of land confiscation in Karenni State for an advanced legal research course, and to assist KSDC. KSDC needs to have the academic research paper developed into a workshop to teach the advanced course students about the international human rights obligations of Burma, and the legal rights of villagers to their ancestral land. The students at the advanced course will then use this information to develop training inside Karenni State for the local villagers (i.e., a train the trainer model).

PBSC volunteers will review the research paper(s) prepared by Megan Presnail, and conduct additional research on international, national, and customary law of the region. Students will prepare materials that outline the basic foundations of human rights and legal rights for the advanced course students of the KSDC to learn, and further disseminate to local villagers.

**Required:** 3 students including 1 Volunteer Project Coordinator. Students with an interest in international human rights, international development, and refugee law will be given preference. Upper year students will also be given preference. While not an expectation, it is noted that the University of Victoria's Centre for Asian Pacific Initiatives will be offering a paid internship to a law student to travel to Nai Soi, Northern Thailand (near Mae Hong Son) to teach the advanced course (i.e., subjects related to legal empowerment, international human rights, and English) at the KSDC from May to December 2017. This will give the student the opportunity to live and work with the refugee students and part of the curriculum to be taught will include this project's workshop on land confiscation.

**Lawyer Supervisor Plan:** Victor Ramraj will act as the lawyer supervisor for this project. He will collaborate with the organization supervisor to help develop a workplan, monitor students, and review the final work.

## Chapter Executive Positions

### Social Media Officer

The social media coordinator is responsible for managing the website, Facebook and Twitter accounts. In particular, it is expected that the coordinator will update Facebook weekly, or more frequently, with important program information as well as with interesting news relating to the public interest. The coordinator should also update Twitter, highlighting PBSC accomplishments, sharing relevant news items related to access to justice and offering general commentary about legal developments. In addition to monitoring and updating the PBSC Facebook page and Twitter account, the role also involves advertising for and taking photos at our community events, promoting PBSC within the Faculty of Law, coordinating external media relations and providing articles for local news sources, providing key updates to our National Office to feature on their Facebook page or in their monthly newsletter and building connections with the local bar association and not-for-profit community.

### Community Building Coordinators

The community building officers are responsible for organizing at least two community building event, including fundraising for such events if necessary. In addition, these coordinators are responsible for reaching out to and providing support mechanisms for our volunteers, and fostering a sense of PBSC community. These students may also wish to bring our volunteers together in more informal settings to promote discussion, problem solving and provide support to one another. Event planning precedents can be found in the Dropbox UVic Executive under Community Builders.

In 2015-2016, these volunteers organized three volunteer events:

- 1) Holiday Party
- 2) Annual PBSC Community Building Event

As per PBSC's national policy, each chapter is mandated to hold one Community Building event each year. The event should bring together student volunteers, organization contacts and lawyer supervisors, and centre around a relevant access to justice topic.



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### 3) Annual Volunteer Appreciation Event

It has been the tradition at PBSC UVic to thank our volunteers for all of their amazing contributions over the year with a low-key event.

#### Research Assistants

The Research Assistants offer research support to PBSC project volunteers on an as-needed basis throughout the year. When the Research Assistants are not busy, they can also be helping with Media Relations work (as delegated by the Media Relations Officer).

#### Volunteer Team Leads (also known as Volunteer Project Coordinators)

Volunteer Project Coordinators (“VCs”) are selected to coordinate our larger placements (three or more students) and allow for greater effectivity in scheduling, delegation, and quality control. They also enhance communication by serving as the primary liaison between the student volunteer group and the organizational contact, the lawyer supervisor, and the program coordinators. VCs take a lead role in preparing the Workplan for the year, ensuring other volunteers are on track and troubleshooting any issues that arise throughout the year.