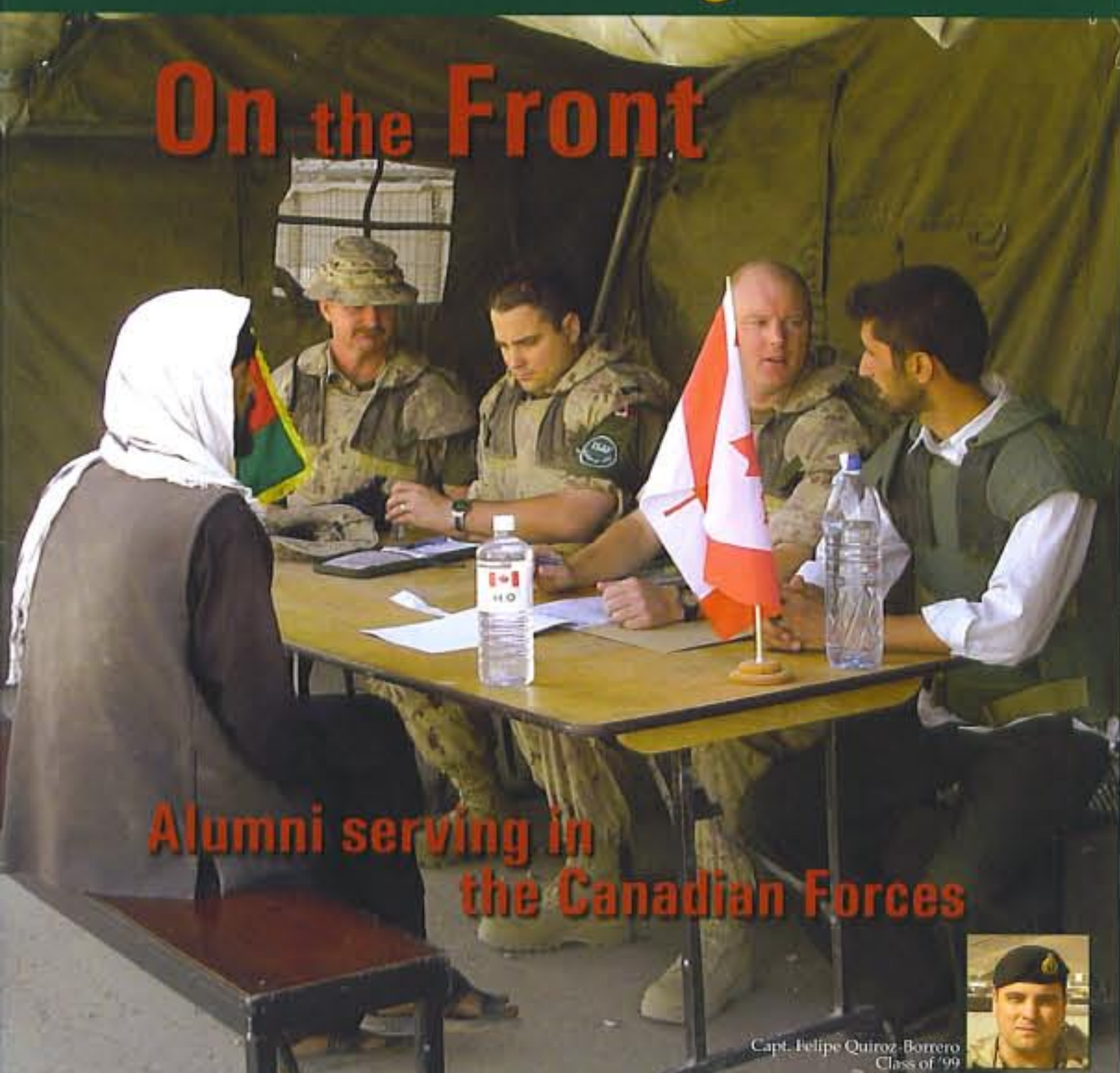


# Without Prejudice

## On the Front



### Alumni serving in the Canadian Forces

Capt. Felipe Quiroz-Borrero  
Class of '99



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## Alumni and Friends

### Julian Falconer - Human Rights Champion

"The struggle for equality is not a sprint – it's a marathon. When we realize the race can be won because our race is one, I truly believe we will make headway," Julian Falconer said in accepting the Urban Alliance on Race Relations Award in Toronto in October 2004.

Falconer, Class of 1987, has built his reputation by arguing issues of human rights, racism and public interest. He has represented a diverse array of individuals and organizations who are benefactors of his intelligence, passion and compassion.

"I was attracted by advancing the interests of the weakest rather than the interests of the strongest," Falconer said. "There's a sense of real satisfaction in pursuing cases for those whose voice is often not heard."

He always hoped to be a "barrier in the truest sense of the word." Falconer has argued in both criminal and civil courts at the trial and appellate levels in English and French.

Falconer, who practices with the firm of Falconer Charney Macklin in Toronto, has represented organizations such as the Urban Alliance on Race Relations, the Chinese Canadian National Council (Toronto), the St. Elizabeth Home Society (Hamilton), the Organization of Ethnic Employees of the Metropolitan Toronto Housing Authority, and Brampton Caledon Community Living, which assists in integrating developmentally challenged individuals into the community.

Individual clients have included many families who have lost a son or daughter at the hands of the state in either police shootings or prison deaths. Falconer has represented the family of Patrick Shand, whose death at the hands of private security

officers has led to the convening of a Coroners Inquest focusing on the institution of reforms in private policing, and the family of Otto Vass, whose death resulted in manslaughter charges

against four Toronto Police Service members. He also was legal counsel in the Decovan Brown case, which for the first time recognized racial profiling as a legitimate and valid defence for racial minority communities.

Falconer has also had much work at the inquiry level. He acted on the Prison for Women Inquest involving the deaths of three First Nations Women and the Lester Donaldson Inquest involving Donaldson's death as a result of a police shooting. He has represented three families at Coroner's Inquests, including that of Robert Gentles, which was the first time prison guards have been charged in an inmate's death.

Falconer's name is perhaps most recognizable for his work, along with partner Richard Macklin, representing the Odhavji family before the Supreme Court of Canada. In *Odhavji v. Woodhouse*, the Odhavji family sought damages for the alleged wrongful death of Man-

ish Odhavji, an unarmed suspect who was fatally shot in September 1997 as he fled the scene of a bank robbery. In a unanimous decision, the Supreme Court overturned a decision of the On-



Falconer and David Percy at the Alumni Reception in Toronto in fall 2003

tario Court of Appeal in which the majority held that police officers in the province could not be sued for refusing to cooperate with the Special Investigations Unit (SIU).

The lawsuit was launched after the SIU decided no officer on the scene would face criminal charges amidst allegations officers disobeyed orders and were uncooperative.

The court's decision "breathed new life into the common law tort of misfeasance in a public office, that's essential to any democracy," Falconer told *The Lawyers Weekly* after the Supreme Court's decision. "The Supreme Court has spoken with one voice... in how we as a democratic society deal with illegal conduct by public officials."

The underlying purpose of the tort, Falconer continued, is to protect each citizen's reasonable expectation that a public officer will not intentionally injure a member of the public through

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## Alumni and Friends

deliberate and unlawful conduct in the exercise of public functions.

As a result of the court's decision, the tort can be relied upon in the police misconduct setting, he noted.

"The case defined the rights of an individual to charge the state," Falconer said in later comments. "It represents something I remain proud of, in terms of how important the client's cause was and for the issue of state accountability."

Falconer has many other accomplishments: co-authoring a book on death inquiries in the context of the Ontario Coroners Act, serving for three years on the Canadian Rights Reporter, a major constitutional law publication, and completing a two

year term as Vice-Chair of the Constitutional and Civil Liberties Section of the CBA. He also has academic publications in constitutional law as well as issues of race and the justice system. He was co-chair of a conference on "Alternatives to the Use of Lethal Force by Police", which brought police and the community together for the first time in Canada to examine alternatives to police shootings.

He has received numerous honours over the years including the African Canadian Achievement Award in Law from *Pride Magazine* for his work in race litigation, the Vision of Justice Award from the Black Law Students' Association of Canada and was described as

a "voice of the powerless" in a Dec. 2000 National Post article.

He credits his success to his beginnings at the Faculty. "I'm forever indebted to the law school. The U of A is a fabulous way to start your career," he said noting the resources available, particularly SLS and the moot-ing program. He spoke highly of professors Anne McLellan, who helped him publish his first paper, Lewis Klar, Bruce Elman, who was Falconer's Gale cup coach, and Jim Robb. About current Dean, David Percy, Falconer said: his "ongoing support and interest in students after graduation is unparalleled."

Falconer has two small sons, Ben and Justin, with his wife, Elisabeth.

### Francis Eugene Labrie, QC - Class of 1943

Eugene LaBrie is a U of A graduate in Arts (1940) and Law (1943). Having been rejected for military service, he obtained University of Toronto scholarships enabling him to complete a Masters of Laws degree in 1945 and a Doctor of Juridical Science degree in 1950. His doctoral thesis, "The meaning of Income in the Law of Income Tax", was published under the auspices of the Canadian Tax Foundation.

He became a law professor, teaching at the University of Toronto from 1945 to 1963 and part-time at the University of Western Ontario from 1964 to 1965. He was assigned a variety of subjects, including taxation, company law, public international law, constitutional law, commercial law, and contracts.

During his sabbatical year (1955-56), he attended at US law schools, mainly Harvard, U of C (Berkeley) and Chicago, seeking direct exposure to American legal scholars and their teaching methods. This experience confirmed his high undergraduate respect for and appreciation for the provocative stimulation of the late Prof. Malcolm McIntyre's challenging use of the Socratic method and for the wisdom of the late Dean John Weir's brilliant lecturing style, both developed in challenging

circumstances.

For two decades, from the mid-1940s through the mid-1960s, LaBrie continued to be a prolific author and editor of law reports, law journals,

casebooks, and textbooks; and numerous articles, notes, and reviews, mainly in the areas of tax and company law.

Following completion of article and admission to the Alberta bar in 1946, he practiced for short periods in Edmonton in the office of the late G.W. Auxier, Q.C. He later became admitted to the Ontario bar in 1961 and to the Cayman Islands bar in 1971. In 1963, LaBrie began practice as a sole, general practitioner in downtown Toronto, later relocating his practice in Oshawa from 1985 to 1996. He then engaged in private practice as a licensed Ontario investment counsel until 1999.

He and Shirley Doreen King were married in 1952 and have four daughters and one son. They both attended the 50<sup>th</sup> and 60<sup>th</sup> law class reunions in 1993 and 2003.

LaBrie was born in Sangudo, Alberta, and raised on a frontier farm more than 30 km north. He has always resided and worked on farms (apart from required absences from home) and currently remains actively engaged in farming.

