# Architypes

To understand the evolution of law and society in Alberta is to understand our past...

**Annual Newsletter** 

## **Historical Dinners**

Remember two of our best in Calgary.
Political intribue at the upcoming dinner in Edmonton

Pages 1 & 8

### LASA's Making a Movie

A short dramatic film detailing Alberta lawyers during WWI Page 2

#### **New Faces at LASA**

LASA welcomes new Board members. Bidding Farewell to long-term Board members.

Page 3 & 4

#### **Thank You**

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LASA would like to thank all those who volunteered their time at our recent fundraising event. Arthur Gardner Lincoln

Remembering Alberta lawyers who fought during World War I **Page 6 - 7** 

## 2015 Annual Campaign

LASA is grateful to all the generous lawyers and judges who contributed to our 2015 campaign.

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Volume 25, Issue 1 Winter 2015

# Honouring Two of Our Best

LASA hosted its annual fundraising dinner in Calgary on November 12, 2015 at the Palliser Hotel. The well-attended evening was a great success. Along with two delightful speakers, the Legal Archives honoured two of Alberta's finest lawyers and jurists while also celebrating the centennial of the Canadian Bar Association, Alberta Branch.

Gordon Brown, Q.C., spoke about the political and legal career of Canada's eleventh Prime Minister, the Rt. Hon. R.B. Bennett, K.C. Mr. Brown discussed Bennett's influence on politics, including his service to Canadians during the Great Depression. During this difficult time in Canadian history, Bennett was generous, giving millions of dollars (in today's terms) to charities and even individuals who petitioned him. During his time as Prime Minister, Bennett established the Canadian Broadcasting Corporation in 1932 and the Bank of Canada in 1935.

Bennett's legal career was no less impressive. He was the founding partner of what is now Bennett Jones LLP. Notwithstanding the dissolution of the partnership between him and Senator James Lougheed, his influence as a leading member of the Calgary bar remained significant. He was a principal

figure in the establishment of the Canadian Bar Association, Alberta Branch, and served as its first President from 1915 to 1928. This organization has had a lasting and important role in the development of the law in Alberta.

There have been sixty-eight Presidents of the CBA, Alberta since his term. Of that number several have gone on to prominent careers inside and outside the law, including many firm founders, five Chief Justices, and a number of jurists appointed to all levels of courts in Alberta. Cecilia Johnstone, the first female branch President, went on to become the first female President of the CBA's national body.

When the CBA, Alberta was formed there was an estimated population of 213,096 people living in Alberta. There were 658 practicing lawyers, which included one female lawyer, Lillian Ruby Clements. Over the past one hundred years, things have dramatically changed. Alberta now has a population of approximately 4.2 million people with 9,526 lawyers practicing, including 3,707 women.

Con't on Page 8

# **The Agreement**

# The Legal Archives Society of Alberta

and Calgary filmmaker

# Julian Black-Antelope

are pleased to announce the production of The Agreement, scheduled to shoot in early 2016

#### **DESCRIPTION:**

A 22 minute short dramatic film based on the legal archives of Lawyer: *Lieutenant George T. Davidson,* the Medicine Hat Bar Association and the First World War.

## **SYNOPSIS:**

In the early morning hours of October 26<sup>th</sup> 1916 Lt. George T. Davidson was sent out to "No Man's Land" to reconnoiter the German barb wire entanglements in anticipation of an attack. He never returned. *The Agreement* drops us into the trenches of the Somme Front line of WWI and the feelings and thoughts of George T. Davidson as he recalls the day of his announcement to enlist.

George Thorold Davidson, Medicine Hat lawyer, killed WWI, Battle of the Somme, 1916



# LASA gratefully acknowledges financial support from the following grantors and participants:

- City of Medicine Hat
- Government of Alberta, Community Initiatives Program
- Veterans Affairs Canada
- Canadian Heritage, World War Commemoration Fund
- Medicine Hat Bar Association
- Lougheed House

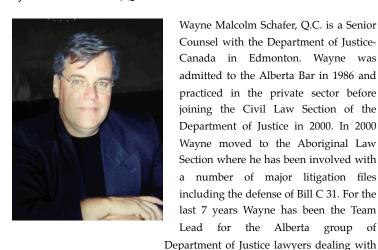
# **New Faces**

#### Shaun T. MacIsaac, Q.C.



LASA is pleased to announce the election of Shaun MacIsaac, Q.C., as the Society's new Chair. Mr. MacIsaac is a founding member of Pittman, MacIsaac and Roy where he practices in the areas of commercial, foreclosure, insolvency, taxation and transfer pricing matters. First elected to the board in 2002 as an ex-officio, he has been a strong support of LASA's programs, and worked to support and promote our many fundraising events.

Wayne Malcolm Schafer, Q.C.



Wayne Malcolm Schafer, Q.C. is a Senior Counsel with the Department of Justice-Canada in Edmonton. Wayne was admitted to the Alberta Bar in 1986 and practiced in the private sector before joining the Civil Law Section of the Department of Justice in 2000. In 2000 Wayne moved to the Aboriginal Law Section where he has been involved with a number of major litigation files including the defense of Bill C 31. For the last 7 years Wayne has been the Team Lead for the Alberta group of

claims, and litigation, arising from the Indian Residential School Settlement Agreement which is the largest class action in Canadian history. Wayne has been on the Board of Directors of LASA since 1994 and has edited Architypes, the LASA newsletter, since 2008. He has also been a member the LASA Oral History Committee. Apart from his volunteer activities with LASA, Wayne has been a member of the Public Legal Education Committee of the CBA, a CPLED evaluator, a Judge for the Jessup Moot Court competition, a presenter for a number of LESA seminars, a lecturer at the Intensive Trial Advocacy Course and the author of "Disproving Disability" a chapter in the Just Works: Lawyers in Alberta, 1907 - 2007. Wayne is also active in the broader community through his service as a Director with the Halfmoon Lake Sustainable Land Usage Association, a Board Member of the Halfmoon Lake Cottage Owner's Association, a past Member of the Strathcona County Mediation Society and as a Board Member of the Beauvista Drive Homeowners Association. Wayne was appointed Queen's Counsel in 2008.

## Leanne K. Young, Q.C.

Leanne K. Young, Q.C. is an adjudicator, mediator and arbitrator. Leanne was admitted to the Alberta bar in 1999. She began her legal career with the

Alberta Government before moving to the Federal Government to represent Canada on claims dealing with treaty rights, constitutional issues, contracts, environmental matters, tax litigation as well as claims dealing with Indian Residential Schools. Ms. Young was seconded to Ottawa in 2003 and worked with the Assistant Deputy Attorney General for Aboriginal Affairs and then continued in Aboriginal Law focusing on negotiated settlements and eventually leading a negotiating team.



In 2011 Ms. Young took on the role as Adjudicator and Review Adjudicator in the largest class action lawsuit in Canadian history. Young has travelled across country adjudicating in excess of 300 hearings. She also regularly mediates matters in Edmonton and Calgary.

With a Bachelor of Arts degree from Brandon University ('92), a Masters of Science degree from Minot State

University ('04), and her Law Degree from the University of Alberta ('98) Leanne has had an ongoing commitment to education having completed certificates in mediation ('12) and negotiation ('13) in the Program on Negotiation at Harvard Law School and presently is a candidate in the Executive Master of Laws program at the London School of Economics. Ms. Young was recognized with a Queen's Counsel designation in 2013.

Associations include the ADR institute of Alberta, the ADR Institute of Canada, the Canadian Institute of Administrative Tribunals, Law Society of Alberta, and the International Association for Conflict Management and the Association for Conflict Resolution.

Ms. Young finds time to stay active with her husband and two young daughters while balancing a career and family life in addition to being active in sports, music and arts.

## Dennis Denis, Q.C.

Dennis is a graduate of the University of Alberta (B.A. (Spec.) 1980, LL.B. 1983). He was called to the Alberta Bar in 1984. His preferred areas of practice are corporate/commercial law, Wills and Estates, and residential and commercial real estate. Dennis has maintained a satellite office in Whitecourt, Alberta since 1985.

Dennis has been an active member of the Canadian Bar Association, the Alberta Bar Association, and the Edmonton Bar Association. He is a past lecturer of articling students for the Canadian Bar on a variety of topics and has served as a non-Bencher member of several of the Alberta Law Society's professional regulation committees. His community and professional involvement includes being past President of the Alumni and Friends of the

Faculty of Law and serving on the executive committees of the Family Centre (The Family Service Foundation of Edmonton), the Edmonton Public Library, Grant MacEwan University, Habitat for Humanity and the Edmonton Brain Injury Relearning Society.

In 2002 Dennis was awarded the Queen's Golden Jubilee Medal for his service to the community and obtained his Queen's Counsel (Q.C.) designation in 2010.

#### **Kelly Turner**



Kelly is a 2015 master's graduate of the University of Toronto iSchool in the Archives and Records Management concentration. Last summer, she had the pleasure of working at the Thomas Fisher Rare Book Library in Toronto, where she processed a large collection of personal papers. Originally from Montreal, where she got her BA in History from Concordia University, Kelly lived in Alberta for nine years before moving to Ontario five years ago. In 2008, she completed the court reporting program at the Northern Alberta Institute of Technology in Edmonton. After graduation, she worked as a court reporter in Calgary, primarily writing examinations for discovery, and as a court reporting instructor in Toronto. In her spare time, Kelly enjoys genealogy, movies, photography, and trivia. She is excited to be working at LASA on a three-month contract and can't wait to see the mountains again.

# Saying Good Bye

At LASA's Annual General Meeting on June 10, 2015, Everett Bunnell, stepped down as President and resigned from the Board of Directors. Mr. Bunnell first joined LASA's board as a Law Society representative. He was elected an ex-officio officer for the Society in 2002. At the AGM in 2010, he was elected President, a position he held for five years.

During his lengthy tenure on LASA's board there was positive growth and a number of changes. However, it was his time as President where Mr. Bunnell's contributions will be undoubtedly lasting. As President, he oversaw the publication of two major books on Alberta's legal heritage: *The Macleod Dixon Century:* 1912-2012 published in 2012, and *People Principles Progress: The Alberta Court of Appeal's First Century* 1914 to 2014 published in 2014. Notwithstanding these accomplishments, the biggest transformation since LASA formed in 1990 came in 2012 when the archives relocated.

On behalf of the staff and Board of Directors at the Legal Archives Society of Alberta, I would like to extend my utmost gratitude to Mr. Bunnell for his strong support and contributions to the Society, and we wish him all the best.

LASA would like the thank the following people for their involvement as directors: Catherine Christopher, Q.C., the Honourable Mr. Justice A.G. Park, the Honourable Robert Philp, Jim Nielson, Q.C., the Honourable Judge Shelagh Creagh, and Michael Fontaine. Their respective insights and contributions to the Society were an asset and will be missed.

# **Casino Fundraiser**

# Thank You

LASA would like to acknowledge and thank all those who volunteered their time to support our recent fundraising Casino held at Cowboys Casino on January 25 & 26, 2016. LASA is indebted to the following individuals who gave graciously of their time to support LASA's programs.

Your volunteer support allows Canada's only independent legal archive to continue its active role preserving and promoting Alberta's legal heritage in various ways:

Andrew MacRae

- · recording oral history of notable members and personnel of our legal and judicial communities;
- the creation of exhibits for various court and law firm special events;
- publishing works chronicling the history of Alberta courts, law firms, and characters of the law;
- sponsoring bar and bench dinners in Edmonton and Calgary with featured speakers;

Lindsay Amantea

• creating displays for the public visiting Alberta courthouses;

R

• maintaining a rich and valuable archival collection for the benefits of researchers, writers, and legal scholars.

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Thank you also to everyone who made a donation in response to the 2015 Annual Campaign.

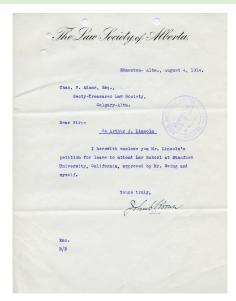
The donations you make go towards the day-to-day operations of the Legal Archives Society of Alberta.

Recognition of all donors to the 2015 Annual Campaign can be found on Pages 10 and 11.

# Remembering Alberta Lawyers L



J. Mckinley Cameron Glenbow Archives NA-4691-6



Letter approving Lincoln's request to attend Law School at Stanford, August 1914 LASA Fond 5 Vol. 24, File 395

The life and career of Arthur Gardner Lincoln was unlike most other Alberta lawyers who fought in World War I. Following a long and onerous process to become a lawyer – interrupted by war and coupled with a fair bit of ambiguity – it seems that Lincoln never actually practiced law in Alberta.

Born in 1886 in Stanstead, Quebec, there is little known about the early life of Lincoln. He came to Alberta after having lived in the United States where he attended law school at Stanford University in California. At the time he made his application to the Law Society on July 21, 1914, he was 28 years old. He indicated in the accompanying letter, that he intended to return to Stanford for a period of ten months between September 1, 1914 and July 1, 1915 to complete his studies. These plans were made while tensions in Europe were coming to a boil, but before hostilities broke out.

R. B. Bennett, K.C., and Senator James Lougheed approved his application for a student-at-law position and the request to return to Stanford, in a letter dated July 29, 1914. One day later Austria-Hungary declared war on Serbia. The Education and Legislation Committee also approved Lincoln's requests.

After all the effort to get approval to return to Stanford, Lincoln informed Charles Adams,

Secretary-Treasurer at the Law Society of Alberta, and the Benchers, in December of 1914, that he would not be returning to California. Instead, he would engage in studies at the University of Alberta.

Though much of Lincoln's decision concerning law school had taken place as tensions in Europe were on the rise, it is unclear if the outbreak of hostilities had any affect on his choice to remain in Canada. Despite his age, it appeared he had not enlisted in active service by the end of 1914, and it was not clear if he intended to enlist.

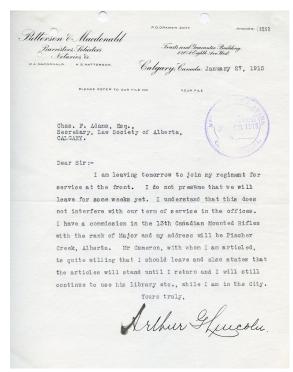
Through January 1915, a number of letter exchanges between Lincoln and Charles Adams indicates some confusion over the former's first-year examinations. Lincoln may have believed that he should be exempt from examinations because he had attended law school at Stanford. His letters are somewhat ambiguous when communicating his requests, which added to the confusion at the Law Society of Alberta. For example, despite numerous exchanges between Lincoln and Adams, the former doesn't mention his intention to seek an exemption until January 22, 1915.

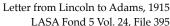
Adams responded to this request on January 23, 1915 stating, "it was not the committee's intention to grant you the last part of your request, viz., that you

be excused from taking the examination prescribed for first year students."

All this became immaterial on January 27, 1915, when Lincoln informed Adams by letter that he would be joining his regiment shortly for active duty in Europe. He was commissioned to the 13<sup>th</sup> Canadian Mounted Rifles in Pincher Creek, Alberta and given the rank of Major. Interestingly, while he remained in Canada he would continue to article with McKinley Cameron. He wrote, "Mr. Cameron, with whom I am articled, is quite willing that I should leave and also states that the articles will stand until I return and that I will still continue to use his library etc., while I am still in the city."

In a follow up letter, Adams informed Lincoln that at the Benchers' Convocation in January 1915, it was decided that certain exemptions would be given to students who left to fight oversees. The letter stated, "that any student who is at the time of any examination (except the final examination) upon which he would in ordinary course have written in order to have completed his three annual examinations within the term of his services, he is exempted from taking such examinations..." Lincoln was able to leave for Europe with the intention of continuing his studies unaffected upon his return







Law Society of Alberta Benchers, 1919 LASA Photo 5-G-48

There is very little written detail about Lincoln's military service oversees during World War I, other than a clipping in the Calgary Herald on September 20, 1930, announcing his death. Initially he served in the 13<sup>th</sup> Canadian Mounted Rifles. He transferred to the Princess Patricia's Canadian Light Infantry, and then to the Royal Air Force. He finished the war with the British Flying Squadron and was stationed in Italy, England and France. He held the rank of Major with the Canadian Expeditionary Force, the Canadian Militia and the Royal Air Force. He was discharged on April 5, 1919, and was the recipient of the Mons medal.

Following his return to Alberta, Lincoln experienced a number of difficulties getting admitted to the bar. His exam grades were subpar. This is understandable as he had just spent four years in active service oversees. It does appear that initially the Law Society was unable, or unwilling, to grant the exams exemption. In a letter Lincoln wrote to the Law Society, he explained the special exemptions and provisions given by the Law Society of British Columbia for returning soldiers. Curiously, he did not mention the exemptions laid out by the Alberta Benchers at their January 1915 Convocation.

Making matters worse, Lincoln failed to declare what caused his absence. However, following the submission of a Statutory Declaration on August 5, 1919, Lincoln was granted exemptions for his first and second exams, and permitted to take a supplementary examination despite have scored low in his final exam in May 1919.

Despite completing his exams, Lincoln's difficulties did not end. Having continued his articles with McKinley Cameron, he failed to declare this fact formally to the Law Society of Alberta. This information was required for admission to the Law Society of Alberta. In a letter dated September 22, 1919, Adams advised Lincoln that having not properly confirmed his articling arrangement might make it difficult to gain admission to the bar.

The complications continued when Lincoln filled out his admission forms incorrectly on November 1, 1919. This prompted a misunderstanding with regards to his status as a student-at-law. Lincoln also declared that he was a graduate of Stanford Law School. However, the Law Society had no record of him graduating from that school. While there is nothing in the records to show that these complications were resolved, Lincoln was admitted to the Alberta bar on November 27, 1919.

It is unclear whether Lincoln practiced law in Alberta beyond his articles. Immediately prior to his admission, Lincoln wrote a letter to Charles Adams on November 14, 1919, informing the Law Society that he would be moving to Ottawa to engage in government work and that he would not be commencing his law practice. He remained a non-practicing member until the end of 1920. As of January 1923, Lincoln relocated to Los Angeles, California.

While on a road trip to Quebec, Lincoln died in a Kansas City hotel on September 19, 1930. There is no record of practicing any law in Alberta between 1921 and his moving to the United States. There were a number of inquiries with respect to the whereabouts of Lincoln. The letters suggested that he did so some legal work, but this may have been during his articles. Adams could only reply with the last known address on record.

There were a number of returning Alberta lawyers who did not practice law for a number of reasons. Arthur Gardner Lincoln's case was likely unique. Before and after the war, he took all the necessary steps to be admitted to the Law Society of Alberta. It certainly appeared he wanted to become a lawyer. However, it is unlikely that he ever practiced in Alberta, and the reasons remain as ambiguous as his admissions process.



Rt. Hon. R.B. Bennett, K.C., Canada's 11th Prime Minister. LASA Photo 66-G-1



Hon. Jean Côté Speaker at LASA's Historical Dinner, February 25, 2016

Han III. Laugraft O.C. (tan yay laft) attanding the last

Hon J.H. Laycraft, Q.C. (top row, left) attending the last appeal to the Privy Council.

LASA Photo 47 -G-8

The Honourable Clifton O'Brien, Q.C., spoke about the legal and judicial career of the Honourable J.H. Laycraft, Q.C., former Chief Justice of Alberta. Chief Justice Laycraft was a titan of the Alberta legal community having spent four decades as a litigator and judge, where he helped shape the post-Charter world. His legacy went beyond the courtroom. Chief Justice Laycraft, was a Bencher of the Law Society of Alberta, including chairing the Education Committee. Together with the Honourable William Stevenson, he rewrote and updated the Alberta Rules of Court.

Justice O'Brien addressed Chief Justice Laycraft's lasting legacy on Alberta's legal heritage, including his support for the Legal Archives Society of Alberta. He recalled a letter by the former Chief Justice supporting the establishment of the Legal Archives Society of Alberta: "the programme to be essential for the preservation of the history of our Province...these records [stored at LASA] are not only an interesting part of our history...they are the evidence of past policies, events and issues, an understanding of which is vital for the future progress of our Province. The Archives will provide the source material for many aspects of the...history of Alberta."

A big thank you on behalf of the Board of Directors and staff at the Legal Archives Society of Alberta to all those who continue to support LASA's

Historical Dinner. Also a thank you to all the speakers who added their own unique contributions to the evening. And, last but certainly not least, a big thank you to Gordon Brown, Q.C., and the Honourable Clifton O'Brien, Q.C., who helped make the Calgary dinner a great success.

LASA is excited to host our annual fundraising dinner in Edmonton on February 25, 2016 at the Fairmont Hotel Macdonald. We are delighted that our evening's guest speaker will be Mr. Justice Jean Côté of the Court of Appeal of Alberta. His presentation, entitled 'No Holds Barred: A Tale of Political Intrigue in Alberta Courts' will focus on a period in Alberta's history when litigants wanted to destabilize Alberta by advocating violence against the Courts and the legal community.

Justice Côté's thorough research of this topic and his enthusiasm for story telling will make for a very interesting and engaging presentation.

We hope that you are able to join LASA at the Fairmont Hotel Macdonald on February 25 for this special evening. It is an annual event where we can highlight the tremendous work of the Legal Archives Society of Alberta, as well as reflect upon the history of the legal profession in the Province. Lastly, it is an excellent opportunity to show your support for LASA work to preserve the legacy of Alberta's legal and judicial communities.

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(up to December 31)

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# Announcements

- Please mark your calendars. LASA will be hosting our annual Historical Dinner in Calgary at the Fairmont Hotel Macdonald on Thursday, February 25, 2016. Please visiting LASA's website at <a href="https://www.legalarchives.ca">www.legalarchives.ca</a> for more details.
- We are happy to report that LASA is taking steps to become more earth friendly, and we are moving toward electronic notifications and communications. If you would like to assist LASA in our effort to go green, please contact us with your email address.
- Members are reminded to check out the Archives Society of Alberta website at <u>www.archivesalberta.org</u>. Archival descriptions to LASA's textual holding and our scanned/digitized photograph collection are available by keyword searching on the ANA and Alberta Insights databases. Visit www.albertaonrecord.ca
- Did you know that LASA's 2016 annual fundraising campaign will be underway shortly? Please consider making a donation to preserve legal history!

Architypes is published bi-annually by the Legal Archives Society of Alberta. Submissions, suggestions and any questions should be addressed to:

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ISSN: 1189-0002





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