

Issue Overview and Introduction

D A R C Y L . M A C P H E R S O N

One of my most pleasant tasks as co-Editor-in-Chief of the *Manitoba Law Journal* is to introduce this volume. The *Manitoba Law Journal* has returned to its original mission: to promote the dissemination of high-quality, timely legal information relevant to the Manitoba community. Though the editors can take no personal credit for it, I believe that our authors have given us exactly that.

Legal history is a notable topic in this particular issue. The Right Honourable Chief Justice Beverley McLachlin leads by explaining how Louis Riel could be a rebel opposed to British-Canadian expansion and simultaneously a patriot to this new country. Later, Greg Smith discusses three books that take a historical perspective on criminal trials and the role of the legal profession in England. Undoubtedly, our legal profession continues to learn from our English and Canadian predecessors, along with the issues that they were forced to confront. As the old adage says, those who do not know their history are doomed to repeat it. Meanwhile, John Irvine takes a historical perspective on whether the modern use of partition and sale in real property in Manitoba is consistent with the historical statutory, case-law and practice norms that have governed it and also looks specifically at the Court of Appeal's decision in *Chupryk v Haykowsky*.

While relevance to Manitoba is a key ingredient to the *Manitoba Law Journal*, this does not limit contributions only to Manitoba law. One can see this in the contributions of both Soren Frederiksen and Keith Lenton. Both pieces focus on criminal law and procedure and are relevant to Manitoba, but equally relevant to the rest of the country. Similarly, the contributions of Gerald Heckman, as well as that authored by Debra Parkes and David Milward are highly relevant across Canadian jurisdictions. Conversely, the article written by myself and Ned Brown takes jurisprudence from across the Prairies on an issue that has yet to confront the Manitoba courts. We suggest that seemingly disparate strands of jurisprudence can be rationalized and made more cohesive for use in this province.

Melanie Bueckert's article on funding for legal research assistance for provincial appellate courts shines an important light on the institutional support for the needs of our superior court judges in delivering justice in the service of the public, not only in Manitoba, but throughout Canada. Brenlee Carrington-Trepel's piece describing her role as Equity Ombudsperson with the Law Society of Manitoba is of immediate use to those who need assistance from her

department and hopefully may spark a national conversation about what consumers require from these offices, regardless of jurisdiction.

The contribution by the Honourable Michel Bastarache, Mark Power, Jean-Pierre Hachey and Mathieu Stanton critiques and calls for reform of the current implementation of Canadians' right to service in the official language of their choice at the federal level. While it focuses on the federal sphere, it is immediately relevant to Manitoba as one of Canada's few legislatively and judicially bilingual provinces. The editors-in-chief wish to specifically recognize the assistance of Professor Gerald Heckman with respect to the editorial review of this article.

Finally, there is an interview with Donna Miller, QC, former Associate Deputy Minister of Justice for Canada. She looks back at a career as lawyer, administrator, professor, and mentor. Her career, from her perspective, in her own words, might do her justice where no dry descriptors could. We hope that such interviews with persons connected to both the law and our province will become a regular feature of the *Manitoba Law Journal*.

We are proud of the diversity found in this issue. Both official languages are represented, and all levels of the legal profession have contributed: judges, practising lawyers, full-time academics, sessional lecturers, law students and even a non-lawyer focused on legal history. Nor are authors restricted to those found within our provincial borders. Each group brings a valuable perspective to these issues, and we appreciate the fact that busy professionals are willing to give so much to bring together the bench, the bar, and the academy in this collective endeavour.

Of course, there are many people to thank beyond the authors. We must begin by thanking the Dean and the members of the Faculty Council of the Faculty of Law of the University of Manitoba. Without them, the impetus to revamp the *Manitoba Law Journal* would never have come to fruition. Generous financial support was received from the Legal Research Institute of the University of Manitoba, and the Endowment Fund Advisory Committee of the Faculty of Law. We also must recognize our peer reviewers from across Canada who generously gave of their time and expertise to assess the contributions. We simply would not be able to ensure the high quality of the *Manitoba Law Journal* without their commitment. We thank our student editors, Simon Jack and Andrew Boumford. They helped us push the issue from a series of contributions to a cohesively edited whole. Professor DeLloyd Guth provided helpful editorial assistance with the crucial final stages. The online version of the *Manitoba Law Journal* could not have been developed without the efforts of Adrian Carlyle-Gordge, Dan Grice and Professor John Eaton. Amongst the administrative staff at the Faculty, Maria Tepper, Larissa Weber, and Jennifer Chlopecki were all invaluable to the production of the new-look *Journal*. Without the hard work of all these organizations and individuals, Volume 35, Issue 1, would not exist.